

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

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**REGULAR SESSION**  
**1971**

Convened on Wednesday, January 20  
and  
Adjourned Sine Die on Friday, April 16

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Published by Authority of the  
Revisor of Statutes  
Honolulu, Hawaii

## AUTHORITY

**Section 2-4, Hawaii Revised Statutes, provides as follows:**

**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 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.

## **PREFACE**

This volume contains all the laws passed by the Legislature at the Regular Session of 1971.

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

**HIDEHIKO UYENOYAMA**  
Revisor of Statutes

Honolulu, Hawaii  
September 1, 1971

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ELECTED OFFICIALS AND LEGISLATIVE OFFICERS

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Daniel K. Inouye

House of Representatives:

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Patsy T. Mink

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Lieutenant Governor ..... George R. Ariyoshi

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REGULAR SESSION

1971

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**Session Laws of Hawaii**  
**Passed By The**  
**Sixth State Legislature**  
**Regular Session**  
**1971**

ACT 1

S. B. NO. 5

A Bill for an Act Making Appropriations to Provide for the Expenses of the Legislature, the Legislative Auditor, and the Ombudsman.

*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 \$769,184, or so much thereof as may be necessary, for defraying the pre-session, interim session and other expenses of the Senate for the Regular Session of 1971, Sixth State Legislature of the State of Hawaii, and for the period up to and including January 18, 1972.

SECTION 2. There is hereby appropriated from the general funds of the State the sum of \$995,000, 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 Regular Session of 1971, Sixth State Legislature of the State of Hawaii, and for the period up to and including January 18, 1972.

SECTION 3. Any unencumbered balances of the appropriations provided for in sections 1 and 2 remaining at the close of the Regular Session of 1971 are hereby appropriated to defray any and all expenses of the Senate and the House of Representatives, respectively, 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 and the pre-session expenses of the Regular Session of 1972. Payment of such expenses of the Senate shall be made only with the approval of the President of the Senate, and payment of such expenses of the House of Representatives shall be made only with the approval of the Speaker of the House of Representatives.

SECTION 4. Before January 19, 1972, 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 January 19, 1972.

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 78-15, Hawaii Revised Statutes, or by any other general statute. Until otherwise prescribed by law, the expenses of such member shall be \$45 per day and authorized by the President of the Senate or the Speaker of the House of Representatives, respectively.

## ACT 2

SECTION 6. There is hereby appropriated from the general funds of the State the sum of \$233,063, or so much thereof as may be necessary, to the office of the ombudsman for defraying the expenses of the office during the fiscal year 1971-72.

SECTION 7. There is hereby appropriated from the general funds of the State the sum of \$1,742,304 to the office of the legislative auditor for the following expenses: (a) the sum of \$643,654 or so much thereof as may be necessary for defraying the expenses of the office of the legislative auditor for the fiscal year 1971-72; (b) the sum of \$75,650 (4.0) or so much thereof as may be necessary for defraying the expenses of the office of the state ethics commission during the fiscal year 1971-72; (c) the sum of \$148,000 or so much thereof as may be necessary, to be expended upon approval of this Act, to secure the services of a consultant or consultants, under such specifications as determined by the legislative auditor, to study school facilities construction costs as requested by H.R. No. 96 of the Fourth State Legislature, Regular Session of 1968; and (d) the sum of \$875,000 or so much thereof as may be necessary, to be expended during the fiscal year 1971-72, for interim legislative studies, for contractual services for such studies, for capital investments and equipment and facilities to improve the efficiency of legislative operations including, but not limited to, utilization of computer equipment and facilities for bill drafting, statutory and information retrieval, maintenance of records on the status of legislative actions and other record-keeping operations, and utilization of modern and technologically improved equipment for printing and reproduction of legislative material, or for such other purposes as may be determined by the joint action of the President of the Senate and the Speaker of the House of Representatives, or of the Senate and the House of Representatives through the President of the Senate and the Speaker of the House of Representatives.

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 9, 1971.)

## ACT 2

S. B. NO. 58

A Bill for an Act Relating to Expenditures of Public Money and Public Contracts.

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

SECTION 1. Section 103-39, Hawaii Revised Statutes, is amended to read:

**"Sec. 103-39. Contract not binding unless appropriation available.** No such contract shall be binding or of any force unless the comptroller of the State or the director of finance of the county as the case may be, indorses thereon his certificate that there is an available unexpended appropriation or balance of an appropriation over and above all outstanding contracts suffi-



cient to cover the amount required by the contract; provided that this section shall not apply to any price-term, open-end, or requirements contract under which the total amount to be paid to the contractor cannot be accurately estimated at the time the contract is to be awarded.

In any contract involving not only local funds but supplemental funds from the federal government, this section shall be applicable only to that portion of the contract price involved in the contract as is payable out of local funds. As to such portion of the contract price as is expressed in the contract to be payable out of federal funds, such contract shall be construed to be an agreement to pay such portion to the contractor, only out of federal funds to be received from the federal government when the federal funds are so received, and shall not be construed as a general agreement to pay such portion at all events out of any funds other than those which are received from the federal government. This paragraph shall be liberally construed so as not to hinder or impede the State or any county in contracting for any project involving financial aid from the federal government."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved March 18, 1971.)

### ACT 3

S. B. NO. 62

A Bill for an Act Relating to General Obligation Bonds of the State.

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

SECTION 1. Notwithstanding the interest rate limitation contained in section 39-5, Hawaii Revised Statutes, as amended, bonds issued under part 1 of chapter 39, Hawaii Revised Statutes, as amended, and within twelve months of the expiration date of Act 2, Session Laws of Hawaii 1970, may bear interest, payable annually or semi-annually, at a rate or rates not exceeding eight per cent a year.

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

(Approved March 18, 1971.)

### ACT 4

S. B. NO. 105

A Bill for an Act Providing for the Taxation of National Banks.

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

SECTION 1. Section 237-6, Hawaii Revised Statutes, is amended to read:

"§237-6 'Contractor', 'federal cost-plus contractor', defined. 'Contractor' includes, for purposes of this chapter:

\* Edited accordingly

## ACT 4

- (1) Every person engaging in the business of contracting to erect, construct, repair, or improve buildings or structures, of any kind or description therein, including any portion thereof, or to make any installation therein, or to make, construct, repair, or improve any highway, road, street, sidewalk, ditch, excavation, fill, bridge, shaft, well, culvert, sewer, water system, drainage system, dredging or harbor improvement project, electric or steam rail, lighting or power system, transmission line, tower, dock, wharf, or other improvements; and
- (2) Every person engaging in the business of architecture and engineering, as defined in section 464-1.

‘Federal cost-plus contractor’ means a contractor having a contract with the United States or an instrumentality thereof, excluding national banks, where, by the terms of the contract, the United States or such instrumentality, excluding national banks, agrees to reimburse the contractor for the cost of material, plant, or equipment used in the performance of the contract and for taxes which the contractor may be required to pay with respect to such material, plant, or equipment, whether the contractor’s profit is computed in the form of a fixed fee or on a percentage basis; and also means a subcontractor under such a contract, who also operates on a cost-plus basis.”

SECTION 2. Section 237-16(a), Hawaii Revised Statutes, is amended to read:

“(a) This section relates to certain retailing in the State as follows:

- (1) This section relates to the sale of tangible personal property, for consumption or use by the purchaser and not for resale, the renting of tangible personal property, and the rendering of services by one engaged in a service business or calling, as defined, to a person who is not purchasing the services for resale, but does not relate to the sale or rental of tangible personal property or the rendering of services to the State, its political subdivisions or agencies or instrumentalities of the State or a political subdivision, or to the United States or its agencies or instrumentalities (other than national banks), or to a corporation, organization, or other person designated in section 237-23 who is not subject to the tax imposed by this chapter, or to a person licensed under this chapter in connection with his business.
- (2) This section relates to the business of a contractor, as defined, but does not relate to contracting with, or any gross income or proceeds of a subcontractor if the principal contract is with, the State, its political subdivisions, or agencies or instrumentalities of the State or a political subdivision, or with the United States or its agencies or instrumentalities (other than national banks), or with a person designated in section 237-23 who is not subject to the tax imposed by this chapter, or with a person licensed under this chapter in connection with his business.
- (3) This section relates to furnishing of transient accommodations in a hotel, apartment hotel, or other place in which lodgings are regularly furnished to transients for a consideration which includes the rendering of services.”

SECTION 3. Section 237-23(a), Hawaii Revised Statutes, is amended to read:

- (a) This chapter shall not apply to the following persons:
- (1) Banks taxable under chapter 241;
  - (2) Public service companies (as that term is defined in section 239-2), with respect to the gross income, either actual gross income or gross income estimated and adjusted, which is included in the measure of the tax imposed by chapter 239;
  - (3) Public utilities owned and operated by the State or any county or other political subdivision thereof;
  - (4) Insurance companies which pay the State a tax upon their gross premiums under chapter 431;
  - (5) Fraternal benefit societies, orders, or associations, operating under the lodge system, or for the exclusive benefit of the members of the fraternity itself, operating under the lodge system, and providing for the payment of death, sick, accident, or other benefits to the members of such societies, orders, or associations, and to their dependents;
  - (6) Corporations, associations, or societies organized and operated exclusively for religious, charitable, scientific, or educational purposes, as well as that of operating senior citizens housing facilities qualifying for a loan under the laws of the United States as authorized by section 202 of the Housing Act of 1959, as amended by the Housing Act of 1961, the Senior Citizens Housing Act of 1962, the Housing Act of 1964, and the Housing and Urban Development Act of 1965;
  - (7) Business leagues, chambers of commerce, boards of trade, civic leagues, and organizations operated exclusively for the benefit of the community and for the promotion of social welfare, and from which no profit inures to the benefit of any private stockholder or individual;
  - (8) Hospitals, infirmaries, and sanitarium;
  - (9) Cooperative associations now or hereafter incorporated under and pursuant to chapters 421 or 422 and which fully meet the requirements of section 421-23 or section 422-33 (provided that the exemption shall apply only to the gross income derived from its activities authorized by chapters 421 or 422; and that the exemption shall not relieve any person who receives any proceeds of sale from the association of the duty of returning and paying the tax on the total gross proceeds of the sales on account of which the payment was made, in the same amount and at the same rate as would apply thereto had the sales been made directly by the person, and all such persons shall be so taxable);
  - (10) Building and loan associations taxable under chapter 241;
  - (11) Persons affected with leprosy and kokuas, with respect to business within the county of Kalawao;
  - (12) Corporations, companies, associations, or trusts organized for the establishment and conduct of cemeteries no part of the net earnings of which inures to the financial benefit of any private stockholder or

## ACT 4

individual (provided, that the exemption shall apply only to the activities of such persons in the conduct of cemeteries and not to any activity the primary purpose of which is to produce income, even though the income is to be used for or in the furtherance of the exempt activities of such persons);

- (13) Industrial loan companies taxable under chapter 241, provided that the exemption shall apply only to the income from the 'engaging in the business of an industrial loan company' as defined in section 408-2;
- (14) Businesses which are organized for the purpose of broadcasting radio programs to areas outside of the State to promote the Hawaiian tourist industry and which are solely supported by State funds;
- (15) Local development companies incorporated under the laws of the State and approved by the Small Business Administration as qualifying for loans under section 502 of the Small Business Investment Act of 1958, as amended, provided that the exemption shall apply only with respect to gross income derived as interest on loans made to borrowers from loan funds obtained from the Small Business Administration but only if the loans are made at the same rates of interest payable to the Small Business Administration by the local development corporation;
- (16) Non-profit shippers associations operating under part 296 of the Civil Aeronautics Board Economic Regulations."

SECTION 4. Section 237-25(a), Hawaii Revised Statutes, is amended to read:

“(a) Any provision of law to the contrary notwithstanding, there shall be exempted from, and excluded from the measures of, the taxes imposed by chapters 237, 244, and 245 all sales, and the gross proceeds of all sales, of:

- (1) Intoxicating liquor, as defined in chapter 445, hereafter sold by any person licensed under chapter 445 to the United States (including any agency or instrumentality thereof that is wholly owned or otherwise so constituted as to be immune from the levy of a tax under chapter 238 or chapter 244 but not including national banks), or to any organization to which such sale is permitted by the proviso of 'Class 3' of section 281-31, located on any army, navy, or air force reservation, but the person making the sale shall nevertheless, within the meaning of chapters 237, 244, and 281 be deemed to be a licensed seller.
- (2) Tobacco products, as defined in chapter 245, sold by any person licensed under the chapter to the United States (including any agency or instrumentality thereof that is wholly owned or otherwise so constituted as to be immune from the levy of a tax under chapter 238 or chapter 245 but not including national banks), but the person making the sale shall nevertheless, within the meaning of chapters 237 and 245, be deemed to be a licensed seller.
- (3) Other tangible personal property hereafter sold by any person licensed under this chapter to the United States (including any agency or instrumentality thereof but not including national banks),

but the person making such sale shall nevertheless, within the meaning of this chapter, be deemed a licensed seller.

- (4) When the amount of property sold by a licensee turns upon the amount of the property sold through a vending machine or similar device to the customer using the device, there shall not be deemed to have occurred any sale covered by an exemption under paragraphs (1), (2) or (3) of this subsection.”

SECTION 5. Section 237-26(a), Hawaii Revised Statutes, is amended to read:

“(a) Any provision of law to the contrary notwithstanding, there shall be exempted from the measure of the taxes imposed by chapter 237, all of the gross proceeds derived by a contractor or subcontractor arising from the performance of any scientific work as defined in subsection (b), under a contract or subcontract entered into with the United States (including any agency or instrumentality thereof but not including national banks), and all of the gross proceeds derived from the sale of tangible personal property by a seller of such tangible personal property to such contractor or subcontractor; provided, however, the exemption herein shall apply only to those tangible personal property which is to be affixed to, or to become a physical, integral part of the scientific facility, or which is to be entirely consumed during the performance of the service required by the contract or subcontract.”

SECTION 6. Section 238-1, Hawaii Revised Statutes, is amended to read:

**§238-1 Definitions, generally.** Whenever used in this chapter, unless otherwise required by the context:

‘General excise tax law’ means chapter 237, as amended from time to time.

‘Person’, ‘business’, ‘engaging in business’, ‘retailer’, ‘wholesaler’, ‘jobber’, and ‘contractor’ have the meanings defined by chapter 237.

‘Import’ (or any nounal, verbal, adverbial, adjective, or other equivalent of the term) includes importation into the State from any other part of the United States or its possessions or from any foreign country, whether in interstate or foreign commerce, or both.

‘Property’ means tangible personal property, but does not include newspapers or other periodical publications, purchased on the subscription plan, issued at stated intervals as frequently as four times a year, and of the class admitted to the United States mails as second class matter under the laws and regulations governing the postal service on January 1, 1965.

‘Purchase’ and ‘sale’ mean and refer to any transfer, exchange, or barter, conditional or otherwise, in any manner or by any means, wheresoever consummated, of tangible personal property for a consideration.

‘Purchaser’ means any person purchasing property and ‘importer’ means any person importing property; provided, that the terms ‘purchaser’ and ‘importer’ shall not include the State, its political subdivisions, or wholly owned agencies or instrumentalities of the State or a political subdivision; or the United States, its wholly owned agencies or instrumentalities, or any per-

## ACT 4

son immune from the tax imposed by this chapter under the Constitution and laws of the United States but the terms shall include national banks.

'Price' means the total amount for which tangible personal property is purchased, valued in money, whether paid in money or otherwise, and wheresoever paid, provided that cash discounts allowed and taken on sales shall not be included.

'Seller' means any person engaged in the business of selling tangible personal property, wheresoever engaged, but does not include the United States or its wholly owned agencies or instrumentalities other than national banks, the State or a political subdivision thereof, or wholly owned agencies or instrumentalities of the State or a political subdivision.

'Unlicensed seller' means any seller who, with respect to the particular sale, is not subject to the tax imposed by chapter 237, whether or not he holds a license under that chapter, but does not include any seller with respect to any sale which is expressly exempted from the tax imposed by chapter 237.

'Use' (and any nounal, verbal, adjective, adverbial, and other equivalent form of said term), herein used interchangeably, means any use, whether the use is of such nature as to cause the property to be appreciably consumed or not, or the keeping of the property for such use or for sale, and shall include the exercise of any right or power over tangible personal property incident to the ownership of that property, but the term 'use' shall not include:

- (1) Temporary use of property, not of a perishable or quickly consumable nature, where the property is imported into the State for temporary use (not sale) therein by the person importing the same and is not intended to be, and is not, kept permanently in the State (as for example without limiting the generality of the foregoing language: (A) in the case of a contractor importing permanent equipment for the performance of a construction contract, with intent to remove, and who does remove, the equipment out of the State upon completing the contract; (B) in the case of moving picture films imported for use in theaters in the State with intent or under contract to transport the same out of the State after completion of such use; (C) in the case of a transient visitor importing an automobile or other belongings into the State to be used by him while therein but which are to be used and are removed upon his departure from the State).
- (2) Use by the taxpayer of property acquired by him solely by way of gift.
- (3) Use which is limited to the receipt of articles and the return thereof, to the person from whom acquired, immediately or within a reasonable time either after temporary trial or without trial.
- (4) Use of goods imported into the State by the owner of a vessel or vessels engaged in interstate or foreign commerce and held for and used only as ship stores for the vessels.
- (5) The use or keeping for use of household goods, personal effects, and private automobiles imported into the State for non-business use by a person who (A) acquired them in another state, territory, district,

or country, (B) at the time of the acquisition was a bona fide resident of another state, territory, district, or country, (C) acquired the property for use outside the State, and (D) made actual and substantial use thereof outside this State; provided, that, as to an article acquired less than three months prior to the time of its importation into the State it shall be presumed, until and unless clearly proved to the contrary, that it was acquired for use in the State and that its use outside the State was not actual and substantial.

- (6) The leasing or renting of any aircraft or the keeping of any aircraft solely for leasing or renting to lessees or renters using the aircraft as a public utility as defined in chapter 269.

With regard to purchases made and distributed under the authority of chapter 421 or under the authority of the Fish Marketing Act under chapter 422, a cooperative association shall be deemed the user thereof.

'Value' means fair and reasonable cash value at the time of accrual of the tax.

'Representation' refers to any or all of the following:

- (1) A seller's being present in the State, and
- (2) A seller's having in the State a salesman, commission agent, manufacturer's representative, broker, or other person who is authorized or employed by the seller to assist the seller in selling property for use or consumption in the State, by procuring orders for the sales, making collections or deliveries or otherwise, and
- (3) A seller's having in the State a person upon whom process directed to the seller from the courts of the State may be served, including the director of regulatory agencies and the deputy director in the cases provided in section 416-131."

SECTION 7. For the period up to and including January 1, 1972, purchases, sales or use of tangible personal property by national banks by written contracts entered into by them prior to September 1, 1969 shall not be subject to the general excise or use tax.

SECTION 8. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 9. This Act shall take effect upon its approval.

(Approved March 18, 1971.)

A Bill for an Act Relating to the Issuance of Revenue Bonds for the Financing of Airports and Air Navigation Facilities and Repealing Act 381, Session Laws of Hawaii 1949.

\* Edited accordingly

**ACT 6**

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

SECTION 1. Act 381, Session Laws of Hawaii 1949, authorizing the issuance of revenue bonds for airport facilities, is repealed.

SECTION 2. This Act shall take effect upon its approval.  
(Approved March 18, 1971.)

**ACT 6**

H. B. NO. 684

A Bill for an Act Relating to Veterans Rights and Benefits.

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

SECTION 1. Section 363-6, Hawaii Revised Statutes, is repealed.

SECTION 2. Material to be repealed is bracketed. In printing this Act, the revisor of statutes need not include the brackets and the bracketed material.\*

SECTION 3. This Act shall take effect upon its approval.  
(Approved March 22, 1971.)

**ACT 7**

S. B. NO. 6

A Bill for an Act Relating to Public Money and Public Contracts.

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

SECTION 1. Section 103-32, Hawaii Revised Statutes, is amended to read:

**"Sec. 103-32 Contracts to be in writing; lowest responsibility bidder.** All contracts shall be in writing and shall be executed in the name of the State, county, or the board, bureau, or commission thereof authorized to let contracts in its own name, as the case may be, by the officer letting the contracts, and shall be made with the lowest responsible bidder, except as provided for in section 103-43 and section 103- , if the bidder qualifies by providing the security required by sections 103-34 to 103-37. If the lowest bid or any other bid is rejected, or if the bidder to whom the contract was awarded fails to enter into the contract and furnish satisfactory security, the officer may, in his discretion, award the contract to the lowest remaining responsible bidder or may publish another call for tenders as provided in section 103-26; provided that at his discretion the officer, after determining the lowest responsible bidder, may negotiate with such bidder to reduce the scope of work and to award the contract at a price which reflects the reduction in the scope of work."

SECTION 2. Chapter 103, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

**"Sec. 103- Out-of-state purchases.** Where the bidder or vendor is an out-of-state vendor not doing business in the state, the package bid or purchase

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\* Edited accordingly.



price, for the purpose of determining the lowest price bid, shall be increased by the applicable retail rate of general excise tax. The lowest responsible bidder, taking into consideration the above increase, shall be awarded the contract, but the contract amount of any contract awarded shall be the amount of the bid offered and shall not include the amount of said increase.”

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved March 22, 1971.)

## ACT 8

S. B. NO. 582

A Bill for an Act Relating to Inheritance and Estate Taxes.

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

SECTION 1. Section 236-1, Hawaii Revised Statutes, is amended to read:

“**Sec. 236-1 Definitions.** As used in this chapter:

‘Estate’ and ‘property’ mean the real and personal property or interest therein of the testator, intestate, grantor, bargainor, vendor, or donor passing or transferred to individuals, legatees, devisees, heirs, next of kin, grantees, donees, vendees, or successors and include all personal property within or without the State.

‘Transfer’ includes the passing of property or any interest therein, in possession or enjoyment, present or future, by inheritance, descent, devise, succession, bequest, grant, deed, bargain, sale, gift, or appointment in the manner herein described; provided that, where any transfer is made within two years prior to a decedent’s death, a rebuttable presumption shall exist that such transfer was made in contemplation of death.

‘Decedent’ includes the testator, intestate, grantor, bargainor, vendor, or donor.”

SECTION 2. Section 236-9.1, Hawaii Revised Statutes, is hereby amended to read:

“**Sec. 236-9.1 Pensions exempt.** The residual proceeds of pensions or other allowances or stipends made by an employer to a deceased employee’s surviving spouse, children, parents, brothers, or sisters in consideration of past services of a deceased person or of the surrender of rights or emoluments shall be exempt from all taxes imposed by this chapter; provided that the exemption allowed under this section shall not apply to amounts in excess of \$30,000 of the present value of the pension computed in accordance with section 236-26.”

SECTION 3. Section 236-13, Hawaii Revised Statutes, is amended to read:

\* Edited accordingly.

**“Sec. 236-13 Resident decedents; credits.** Whenever the estate of any decedent who, at the time of death, was a resident of the State is subject to an estate tax under the federal estate tax law, the tax imposed by sections 236-2 to 236-6 shall be increased by the imposition of an additional tax, which shall be calculated as follows:

- (1) Where no constitutionally valid estate, inheritance, legacy, or succession taxes are payable to any other state or to any territory or to the District of Columbia in respect of property included in the gross estate, by deducting the tax imposed by sections 236-2 to 236-6 from the maximum credit for state death taxes allowed by the federal estate tax law.
- (2) Where constitutionally valid estate, inheritance, legacy, or succession taxes are actually paid to any other state or to any territory or to the District of Columbia in respect of property included in the gross estate, by adding such taxes to the tax imposed by sections 236-2 to 236-6 and deducting the total from the maximum credit for state death taxes allowed by the federal estate tax law; provided, that the deduction for such taxes actually paid to any other state or any territory of the United States or the District of Columbia shall only be allowed if the payment thereof and claim for credit therefor is made within three years after the date of the decedent’s death, but the department of taxation may, for good cause shown, extend the period for the payment of such taxes and the making of such claim.

For the purposes of this section and section 236-14 the term ‘gross estate’ shall be deemed to refer to the gross estate subject to federal estate tax.”

SECTION 4. Section 236-14, Hawaii Revised Statutes, is amended to read:

**“Sec. 236-14 Nonresident decedents.** An additional tax is imposed upon or in respect of the transfer of so much of the net estate of every person who, at the time of death, was a nonresident of the State as consists of real property situated and tangible personal property having an actual situs in the State, the amount of such additional tax to be calculated as follows:

- (1) Ascertain the portion of the maximum credit for state death taxes allowed by the federal estate tax law which is attributable to the real property situated and the tangible personal property having an actual situs in the State by multiplying the maximum credit for state death taxes by a fraction the denominator of which shall be the value, as determined for federal estate tax purposes, of the gross estate, and the numerator of which shall be the value, as determined for federal estate tax purposes, of the real property situated and the tangible personal property having an actual situs in the State.
- (2) From such portion of the maximum credit for state death taxes deduct the amount of the tax imposed by sections 236-2 to 236-6.”

SECTION 5. Section 236-24, Hawaii Revised Statutes, is amended to read:

**“Sec. 236-24 Duties of safe deposit companies, trust companies, banks,**

etc. No safe deposit company, trust company, bank, corporation, or other institution, partnership, or person, having possession or control of any property of a decedent, or property standing in the name of a decedent and one or more persons as joint tenants or tenants by the entirety, shall deliver, transfer, or pay the property to the executors, administrators, or legal representatives of the decedent, or to the surviving joint tenants or tenant by the entirety, or to any other person, or upon the order or request of any of the foregoing, without retaining a sufficient portion or amount thereof to pay any tax and the interest thereon which may thereafter be assessed or become due on account of the property, unless the director of taxation consents thereto in writing; provided that, where the property consists of or includes jointly held savings or commercial checking accounts, such safe deposit company, trust company, bank, corporation, or other institution, partnership, or person may release up to fifty per cent of such jointly held savings or commercial checking accounts without the consent of the director of taxation upon notification to the director, in writing, stating the name of the decedent, the name of the surviving joint tenant or tenants or tenant by the entirety, to whom, or at whose order, the delivery, transfer, or payment was made, the date of same, and the amount of the delivery, transfer, or payment. When the decedent was at the time of his death a resident of the State, and the delivery, transfer, or payment is made to, or at the order of, the executor, administrator, or other legal representative of the decedent, and does not consist of the contents of a safe deposit box, or of property standing in the name of the decedent and one or more persons as joint tenants or tenants by the entirety, it shall not be necessary to so retain assets for the payment of taxes and interest, or to obtain the consent of the director, if the safe deposit company, trust company, bank, corporation, or other institution, partnership, or person, immediately upon the delivery, transfer, or payment, notifies the director thereof in writing, stating the name of the decedent, the name of the executor, administrator, or other legal representative of the decedent, to whom, or at whose order, the delivery, transfer, or payment was made, the date of same, and a description of the property. The word 'property' as used in this section means property of every kind and nature, including shares of the capital stock of, or other interests in, or claims against, the safe deposit company, trust company, bank, corporation, or other institution, partnership, or person, making the delivery, transfer, or payment.

The director, personally or by representative, may examine the property which is about to be or has been delivered, transferred, or paid. Failure to allow such examination or failure to conform to this section shall render the safe deposit company, trust company, bank, corporation, or other institution, partnership, or person, liable to a payment of twice the amount of the tax and interest due or thereafter to become due upon the property delivered, transferred, or paid in violation hereof, and the liability shall be enforced in an action brought in accordance with section 236-38."

SECTION 6. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

\* Edited accordingly.

**ACT 9**

SECTION 7. This Act shall take effect upon its approval.

(Approved March 23, 1971.)

**ACT 9**

S. B. NO. 108

A Bill for an Act Relating to the Statute of Limitation Affecting Taxation.

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

SECTION 1. Section 235-111(a), Hawaii Revised Statutes, is amended to read:

“(a) General rule. The amount of income taxes imposed by this chapter (also the amount of income taxes imposed by any preceding law of the State) and the liability of any employer in respect of wages, shall be assessed or levied and the overpayment, if any, shall be credited within three years after filing of the final return for the taxable year, or within three years of the due date prescribed for the filing of said return, whichever is later, and no proceeding in court without assessment for the collection of such taxes or the enforcement of such liability shall be begun after the expiration of such period.”

SECTION 2. Section 237-40(a), Hawaii Revised Statutes, is amended to read:

“(a) General rule. The amount of excise taxes imposed by this chapter shall be assessed or levied within three years after the annual return was filed, or within three years of the due date prescribed for the filing of said return, whichever is later, and no proceeding in court without assessment for the collection of any such taxes shall be begun after the expiration of the period.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 4. This Act, upon its approval, shall be effective for taxable years beginning on or after January 1, 1971.

(Approved March 25, 1971.)

**ACT 10**

S. B. NO. 113

A Bill for an Act Relating to Real Property Taxation.

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

SECTION 1. Section 231-23(a), Hawaii Revised Statutes, is amended to read:

“(a) This subsection shall apply to taxes assessed and collected under chapter 246.

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\* Edited accordingly.

- (1) In the event of adjustments on account of duplicate assessments and clerical errors, such as transposition in figures, typographical errors, and errors in calculations, the adjustments may be entered upon the records although the full amount appearing on the records prior to such adjustment has been paid.
- (2) There may be refunded in the manner provided in subsection (d) of this section any amount collected in excess of the amount appearing on the records as adjusted, or any amount constituting a duplication of payment in whole or in part.
- (3) Whenever any real property is deemed by the director of taxation to be exempt from taxation under the provisions of Section 246-39, if there shall have been paid prior to the effective date of such exemption any real property taxes applicable to the period following the effective date of such exemption, there shall be refunded to the nonprofit corporation or association owning such property in the manner provided in subsection (d) of this section all amounts representing such real property taxes theretofore paid on account of such property and attributable to the period following the effective date of such exemption.
- (4) No such adjustment shall be entered on the records nor refund made except within two years after the end of the tax year in which the amount to be refunded was due and payable, unless a written application for the adjustment or refund has been filed within such period.”

SECTION 2. Section 248-2(e), Hawaii Revised Statutes, is amended to read:

“(e) Upon determination of the tax rates for the tax year in each county, the council shall notify the director of taxation of the rates, and the director shall employ such rates in the levying of property taxes in that county as provided by law.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved March 27, 1971.)

A Bill for an Act Relating to State Guarantee of Loans for Housing Projects.

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

SECTION 1. Section 359G-11(e), Hawaii Revised Statutes, is amended to read:

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\* Edited accordingly.

## ACT 12

“(e) The State shall be authorized to guarantee the repayment of 100 per cent of the principal and interest of loans from commercial lenders for the purposes of this section pursuant to rules and regulations adopted and promulgated by the authority which shall conform as closely as is possible to the practices of the federal housing administration in insuring loans under the Capehart Housing Act (Title 42, USC); provided, however, that at no time shall the State’s liability, contingent or otherwise, on such guarantees exceed \$10,000,000.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material or the underscoring.\*

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

(Approval March 27, 1971.)

## ACT 12

S. B. NO. 181

A Bill for an Act Relating to Harbors and Repealing Sections 266-8, 266-9, 266-10, 266-11, 266-12 and 266-15, Hawaii Revised Statutes.

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

SECTION 1. Sections 266-8, 266-9, 266-10, 266-11, 266-12 and 266-15, Hawaii Revised Statutes, are repealed.

SECTION 2. Statutory material to be repealed is bracketed. In printing this Act, the revisor of statutes may exclude the brackets or the bracketed material.\*

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

(Approved April 2, 1971.)

## ACT 13

H. B. NO. 563

A Bill for an Act Relating to Capital Stock of Corporations.

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

SECTION 1. Section 416-59(d), Hawaii Revised Statutes, is amended to read:

“(d) Consideration for; capital or paid-in surplus; statement to be filed. Whenever shares of stock without par value are issued by any corporation, the consideration received and to be received by the corporation for the issuance thereof shall constitute capital of the corporation; provided, that if the articles of association, or the stockholders at a meeting and by the vote specified in subsection (c) of this section, or the board of directors either when acting pursuant to authority granted by the stockholders at such meeting and by such vote or when acting pursuant to authority granted in the articles of

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\* Edited accordingly.

association, provides or determines that a portion of such consideration shall be treated as paid-in surplus, then the portion so provided or determined shall be paid-in surplus and the remainder only shall constitute capital as aforesaid. The total capital attributable to all the shares without par value issued upon the incorporation of a corporation shall be not less than \$1,000. Whenever shares of stock without par value are issued for consideration other than cash, the authority (stockholders or board of directors or incorporators) which provides for the issuance of the shares shall determine the value of the consideration, and the value so determined shall constitute capital with respect to the shares except to the extent that any portion thereof may be determined to be paid-in surplus as above provided. In case the value of the consideration has not been honestly and reasonably determined and in case the actual value thereof was less than the determined value, then the shares issued for such consideration shall not be fully paid until the corporation receives, in addition to such consideration, the difference between the actual value thereof and the determined value thereof. Whenever issued shares with par value are changed into shares without par value pursuant to subsection (b) of this section, the total par value of the shares so changed shall continue to constitute capital of the corporation, attributable to the shares without par value into which they are changed. In case a corporation pays a stock dividend, in shares of its stock without par value, the board of directors shall, in connection with the declaration of the stock dividend, determine the amount and type of the surplus of the corporation which is capitalized by the issuance of the stock dividend, subject however to any restrictions in the articles of association. The board of directors, subject to any restrictions in the articles of association, may by resolution at any time and from time to time increase the capital attributable to shares without par value by transferring to capital any surplus, however acquired or accumulated, in such amount and type as the board of directors shall determine, and in any such case the amount of surplus so transferred shall then and thereafter be added to and constitute a part of the capital of the corporation attributable to its shares of stock without par value. The capital of a corporation attributable to shares of its stock without par value, determined as aforesaid, may be reduced in the manner and with the effect provided in section 416-65."

SECTION 2. Section 416-59(h), Hawaii Revised Statutes, is amended to read:

"(h) Fees. In computing any fee payable to the director measured by the amount of authorized or issued capital stock of the corporation, shares without par value shall be taken as the equivalent of shares having a par value of \$10 per share."

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved April 6, 1971.)

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\* Edited accordingly.

A Bill for an Act Relating to Public Hospitals and Related Public Health and Medical Facilities.

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

SECTION 1. Chapter 27, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

**“Sec. 27- . Establishment of special fund.** Any other law to the contrary notwithstanding, each public hospital and related public health and medical facility transferred to the State pursuant to this chapter shall place its revenues and all other moneys collected or acquired or made available for the use of said hospital into a special fund to be used for the payment of its lawful expenditures.”

SECTION 2. This Act shall take effect on July 1, 1971.

(Approved April 16, 1971.)

A Bill for an Act Relating to State Highways.

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

SECTION 1. Section 264-7, Hawaii Revised Statutes, is amended to read:

**“Sec. 264-7 Permits, fees, etc.** (a) Any person or government agency desiring the permit required by section 264-6 shall apply for a permit on a form prescribed by the director of transportation. Any permit issued shall be conditioned upon the adherence of the applicant to the requirements of sections 264-8 and 264-9.

(b) The director, subject to Chapter 91, shall establish a fee schedule for the issuance of the permit. The fee schedule established shall be calculated to provide revenues sufficient to defray any expenses the department of transportation may incur in connection with the permit under sections 264-6 to 264-12. An applicant for a permit shall pay the applicable fee, provided that the director may waive the fee payable when he determines that the work to be done will either improve the highway or otherwise be of benefit to the State; and provided further, that no fee shall be required where the only work to be done is the setting of poles and guys to carry overhead wires.

SECTION 2. Section 264-8, Hawaii Revised Statutes, is amended to read:

**“Sec. 264-8 Specifications, standards, procedures.** Specifications, standards and procedures to be followed in the installation and construction of connections for streets, roads and driveways, concrete curbs and sidewalks, structures, drainage systems, landscaping or grading within the highway



rights-of-way, excavation and backfilling of trenches or other openings in state highways, and in the restoration, replacement, or repair of the base course, pavement surfaces, highway structures, and other highway improvements shall be prescribed by the director of transportation. At the request of an applicant for a permit, a copy of such specifications, standards and procedures, shall be furnished. In prescribing the specifications, standards and procedures, the director need not comply with the provisions of law relating to the adoption of rules and regulations."

SECTION 3. Section 264-9, Hawaii Revised Statutes, is amended to read:

**"Sec. 264-9 Backfilling, repaving, repairing, expense of permit holder.**

(a) All excess materials remaining at the site of the work done under any permit shall be removed at the expense of the permit holder. The excess material shall not be deposited or placed within any highway right-of-way except with the approval of the director of transportation or his authorized representative.

"(b) The permit holder, at his own expense and upon completion of the work for which the permit was issued, shall backfill all trenches or other openings and make all necessary repairs to or replacement of any concrete gutter, curb, sidewalk, or any other structure in public use and restore or replace any plants, landscaping, signs, markers, or other facilities or improvements that were cut or damaged by the permit holder to a condition similar to that which existed before work was begun under the permit.

"(c) Except as otherwise provided in section 264-33, the permit holder shall be responsible for all costs in the installation, construction, repair, removal, restoration, reconstruction or replacement of any improvement within the right-of-way of any state highway."

SECTION 4. Chapter 264, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

**§264- Permit and paving requirements.** Notwithstanding the existence of any right of vehicle access to or from a State highway in favor of an abutting owner, the department of transportation may prohibit vehicle access via any street, road or driveway to or from abutting properties unless the owner applies for a permit and paves the highway right-of-way between the access opening and the paved portion of the highway pursuant to sections 264-6 to 264-11, Hawaii Revised Statutes. Access to or from abutting property via any street, road or driveway which is in use on the effective date of this section shall not be affected by this section."

SECTION 5. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved April 16, 1971.)

\* Edited accordingly.

A Bill for an Act Relating to Requirements for Real Estate License.

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

SECTION 1. Section 467-8, Hawaii Revised Statutes, is amended to read:

**§467-8 No license issued when.** No license hereunder shall be issued to:

- (1) Any person unless he has demonstrated by passing with a grade satisfactory to the real estate commission a written examination given by it and appropriate to the license sought that he has a reasonable knowledge of (A) estates, interest, and rights in real property, (B) the documents or acts or occurrences by which such property is transferred or otherwise affected, (C) the rights and duties of an agent, (D) the laws of the State relating to real estate brokers and salesmen, and (E) such other subjects as the commission determines to be essential for the protection of the general public in its real estate transactions;
- (2) Any person who does not possess a good character and reputation for honesty, truthfulness, and fair dealing; or any person who has been convicted of a crime involving moral turpitude unless the person has received a full and free pardon or presents satisfactory proof to the commission that for the five years next preceding the date of his application he has lived an upright and moral life;
- (3) Any copartnership unless every member of the copartnership who actively participates in the real estate brokerage business thereof holds a real estate broker's license;
- (4) Any corporation unless the real estate brokerage business thereof is under the direct management of an officer or employee thereof and unless the officer or employee holds a real estate broker's license;
- (5) Any person applying for a license unless the person has been a resident of the State for at least one year prior to such issuance and is of the age of majority;
- (6) To any person as a broker unless he has been duly licensed as a real estate salesman for a period of at least two consecutive years prior to the date of his application for a real estate broker's license and either (A) he has been engaged in the real estate business for the period of two years or (B) he has had other experience or education in the selling or management of real estate which, in the opinion of the commission, is equivalent to two years' experience to be established by detail explanatory affidavit or in such other manner as may be determined by the commission."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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\* Edited accordingly.

SECTION 3. This Act shall take effect upon its approval.  
(Approved April 16, 1971.)

## ACT 17

S. B. NO. 473

A Bill for an Act Relating to Fees for Real Estate Licenses.

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

SECTION 1. Section 467-9, Hawaii Revised Statutes, is amended to read:

**“Section 467-9 Applications; fees.** Every applicant for a license under this chapter shall file an application with the real estate commission in such form and setting forth such information as may be prescribed or required by the commission, and shall furnish such additional information bearing upon the issuance of the license as it requires. Every application shall be sworn to before an officer authorized to administer oaths. In the case of a copartnership or corporation any member or officer thereof may sign the application and verify the same on behalf of the applicant.

Every applicant, in case of an individual, shall be accompanied by sworn certificates of not less than two persons who have known the applicant for a period of not less than six months, certifying that the applicant bears a good reputation for honesty, truthfulness, and fair dealing.

Every application for a license hereunder shall be accompanied by an application fee of \$10 and an examination fee of \$15. The application fee is non-refundable.”

SECTION 2. Section 467-11, Hawaii Revised Statutes, is amended to read:

**“Section 467-11 Fees; annual renewals.** The fee for any license prescribed by this chapter shall be as follows:

- (1) To act as a real estate broker, \$25;
- (2) To act as a real estate salesman, \$25;
- (3) Annual renewal for broker, \$25;
- (4) Annual renewal for salesman, \$10;
- (5) To obtain a branch office license, \$25;
- (6) To reinstate a suspended license, \$5.

A fee of \$5 shall be charged for the reissuance of a lost license, or for the reissuance of license when there has been a change in the licensee's name or for the reissuance of license when there has been a change in the business address, or, in the case of a salesman, when he is employed by a different broker.

The annual renewal fee shall be paid to the real estate commission on or before January 1 of each year. Failure, neglect, or refusal of any duly licensed real estate broker or real estate salesman to pay the annual renewal fee shall constitute a forfeiture of the license of the broker or salesman. The license of the broker or salesman may be restored upon written application therefor and the payment to the commission of \$37.50 and \$25 00 respectively.

## ACT 18

All fees and other moneys collected or received under this chapter shall be deposited by the director of regulatory agencies with the director of finance to the credit of the general fund.

The commission may refund any fee erroneously paid to it under the provisions of this section and section 467-9 when the commission deems it just and equitable."

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.  
(Approved April 16, 1971.)

## ACT 18

H. B. NO. 390

A Bill for an Act Relating to Public Lands.

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

SECTION 1. Section 171-57, Hawaii Revised Statutes, is amended to read:

**"Sec. 171.57. Reserved rights and easements.** Notwithstanding any limitations to the contrary, where public land is disposed of with reservation in the State of quarry rights to rock, sand or gravel or an easement, and if the board of land and natural resources finds that a disposition of the reserved right or easement is not prejudicial to the best interest of the State, community or area in which the land is situated, it may, after giving public notice of the intended disposition as provided in section 171-16(d), dispose of the reserved right or easement to the owner of the land by direct sale or by lease without public auction."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.  
(Approved April 26, 1971.)

## ACT 19

H. B. NO. 409

A Bill for an Act Relating to Public Lands.

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

SECTION 1. Section 171-36(3), Hawaii Revised Statutes is amended to read as follows:

"(3) No lease shall be made for any land under a lease which has more than two years to run;"

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\* Edited accordingly.

SECTION 2. This Act shall take effect upon its approval.  
(Approved April 26, 1971.)

## ACT 20

H. B. NO. 545

A Bill for an Act Relating to the Duties of the Department of Social Services and Housing.

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

SECTION 1. Section 346-14, Hawaii Revised Statutes, is amended to read:

**"Section 346-14 Duties generally.** Except as otherwise provided by law, the department of social services and housing shall:

- (1) Administer, establish programs and standards, and promulgate rules as deemed necessary for all public assistance, including payments for medical care;
- (2) Establish, extend, and strengthen services for the protection and care of neglected children and children in danger of becoming delinquent;
- (3) Assist in preventing family breakdown;
- (4) Place, or cooperate in placing, neglected children in suitable private homes or institutions, and place, or cooperate in placing, children in suitable adoptive homes;
- (5) Have authority to establish, maintain, and operate receiving homes for the temporary care and custody of neglected children until suitable plans are made for their care; and accept from the police and other agencies, for temporary care and custody, any neglected child until satisfactory plans are made for the child;
- (6) Cooperate with the federal government in carrying out the purposes of the Social Security Act, and in other matters of mutual concern pertaining to public welfare, public assistance, and child welfare services, including the making of such reports, the adoption of such methods of administration and the making of such rules and regulations as are found by the federal government, or any properly constituted authority thereunder, to be necessary or desirable for the efficient operation of the plans for such public welfare, assistance, and child welfare services, or as may be necessary or desirable for the receipt of financial assistance from the federal government;
- (7) Carry on research and compile statistics relative to public and private welfare activities throughout the State, including those dealing with dependence, defectiveness, delinquency, and related problems;
- (8) Develop plans in cooperation with other public and private agencies for the prevention and treatment of conditions giving rise to public welfare problems;
- (9) Make such rules governing the procedure in hearings, investigations, recording, registration, determination of allowances, and accounting and conduct such other activities, as may be necessary or proper to

- carry out this chapter, which rules, when approved by the governor, shall have the force and effect of law;
- (10) Supervise or administer any other activities authorized or required by this chapter, including the development of the staff of the department through in-service training and educational leave to attend schools and other appropriate measures, and any other activities placed under the jurisdiction of the department by any other law;
  - (11) Make, prescribe, and enforce such policies and rules governing the activities provided for in section 346-31 as it deems advisable, including the allocation of moneys available for assistance to persons assigned to work projects among the several counties or to particular projects where such apportionment has not been made pursuant to other provisions of law, if any, governing expenditures of the funds, which rules, when approved by the governor, shall have the force and effect of law;
  - (12) Have authority to establish, maintain and operate intermediate care facilities and care homes for the care of medical indigents; to enter into contracts with nonprofit corporations for the maintenance and operation of said facilities and homes and to recruit and license adult family boarding homes as defined by the department to care for adult recipients who do not require the level of care provided in an intermediate care facility or care home."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved April 26, 1971.)

ACT 21

H. B. NO. 939

A Bill for an Act Designating Columbus Day as Discoverers' Day.

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

SECTION 1. The purpose of this Act is to designate the state holiday on the second Monday in October, presently Columbus Day, as Discoverers' Day to honor all discoverers, including Pacific and Polynesian navigators such as Magellan and Cook.

SECTION 2. Section 8-1, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 8-1 Holidays designated.** The following days of each year are set apart and established as state holidays:

The first day of January, New Year's Day;

The third Monday in February, Presidents' Day;

\* Edited accordingly.

The twenty-sixth day of March, Kuhio Day;  
 The Friday preceding Easter Sunday, Good Friday;  
 The last Monday in May, Memorial Day;  
 The eleventh day of June, Kamehameha Day;  
 The fourth day of July, Independence Day;  
 The third Friday in August, Admission Day;  
 The first Monday in September, Labor Day;  
 The second Monday in October, Discoverers' Day;  
 The fourth Monday in October, Veterans' Day;  
 The twenty-fifth day of December, Christmas Day;

All election days, except primary election day, in the county wherein the election is held;

Any day designated by proclamation by the President of the United States as a day of thanksgiving, fasting or religious observance;

Any day designated by proclamation by the governor as a holiday."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.  
 (Approved April 26, 1971.)

ACT 22

S. B. NO. 47

A Bill for an Act Relating to Age Limitation of Persons in Public Service.

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

SECTION 1. Section 78-3, Hawaii Revised Statutes, is amended to read:

**"Sec. 78-3 Age limit.** No person who has attained the age of seventy years shall be employed by the State or any county, whether by appointment or contract, except when no one else is available and then no longer than periods of six months at a time; provided that the foregoing age limitation shall not be applicable to foster grandparent positions in the State foster grandparent program or to the temporary employment of senior citizens in projects for which they are the most suitable or desirable persons to hire or to programs specifically designed to utilize senior citizens."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.  
 (Approved April 26, 1971.)

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\* Edited accordingly.

A Bill for an Act Relating to Cancellation of Retail Installment Contracts.  
*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 476-5, Hawaii Revised Statutes, is amended to read:

**“Sec. 476-5. House-to-house sale; right of cancellation; notice.** (a) In addition to any other right the buyer may have, the buyer may cancel any house-to-house sale if notice of cancellation is mailed by certified mail, return receipt requested, to seller at its business address shown on the contract and postmarked before midnight of the third business day after the date of signature of the contract by the buyer or the date of receipt of the written notice of buyer’s right of cancellation whichever is later, excluding Saturdays, Sundays, and holidays.

(b) If the sale is canceled, the seller (1) may retain or otherwise recover from the buyer a cancellation fee of five per cent of the cash sale price, or \$15, whichever is less, plus the cost of delivery of the goods (if delivery was in fact made), and (2) shall return to the buyer (A) any payments made (less the cancellation fee), (B) any goods or other property traded in, and (C) any note or other evidence of indebtedness, given by buyer to the seller in connection with the sale.

(c) Upon cancellation of the contract the buyer, upon demand shall make available to the seller at the place of delivery any goods delivered to the buyer in the condition in which the goods were at the time of receipt by the buyer unless the seller by its act has made it impractical for the buyer to comply.

(d) If the seller has performed any services pursuant to a contract prior to its cancellation, the seller is not entitled to any compensation except the cancellation fee provided in this section. If the seller’s services result in the alteration of property of the buyer, the seller shall restore the property to substantially as good condition as it was prior to the time the services were rendered.

(e) The seller shall give to the buyer at the time the buyer signs the house-to-house sale contract a form to be used by the buyer if he elects to cancel the contract. The form shall contain (1) the name and address of the seller to which the notice is to be mailed, (2) the date the buyer signed the contract, and (3) statement of the buyer’s rights under this section. The form may be separate or may be attached to the contract, if readily detachable, and shall be in a type size no smaller than that generally used in the body of the contract.

(f) A form substantially as follows is sufficient to comply with this section.

**NOTICE OF CANCELLATION**

To ..... (Insert name and address of seller) ..... I hereby cancel the retail installment contract signed by me on ..... (Insert the date buyer signed agreement) ....., whereby I agreed to



purchase the following goods or services ..... (Concise description of goods or services) .....

Date .....

Signature of buyer .....

STATEMENT OF BUYER'S RIGHTS

You may cancel the contract referred to above by completing the notice of cancellation and mailing it by certified mail, return receipt requested, to the seller at the address shown on the contract and postmarked before midnight of the third business day after the date you sign the contract or the date on which you received this notice, whichever is later in time, excluding Saturdays, Sundays, and holidays. If you cancel the contract, the seller is entitled to retain out of the down payment or otherwise recover, a cancellation fee of 5 per cent of the cash price of the sale, but in no event may the seller retain or recover more than \$15 plus the cost of delivery of the merchandise, if delivery is made.

In the event you cancel the seller must return to you (1) any payments made (less the cancellation fee), (2) any goods or other property traded in, and (3) any note or other evidence of indebtedness, given by you to the seller in connection with the sale. After cancellation the seller is entitled to receive back from you, at your address, any goods delivered by him to you providing it has returned any payments or property received from you as provided above.

(g) If the seller fails to place the legend required by section 476-2 on the contract or to provide the buyer with the notice of cancellation and statement of buyer's rights required by this section, the contract shall be unenforceable by the seller."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved April 26, 1971.)

ACT 24

S. B. NO. 126

A Bill for an Act Relating to Death Benefits Under Workmen's Compensation Law.

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

SECTION 1. Section 386-41(a), Hawaii Revised Statutes, is amended to read:

"(a) Funeral and burial allowance. Where a work injury causes death, the employer shall pay funeral expenses not to exceed \$1,000 to the mortician and burial expenses not to exceed \$500 to the cemetery selected by the family or next of kin of the deceased or, in the absence of such family or next of kin,

\* Edited accordingly.

## ACT 25

by the employer. Such payments shall be made directly to the mortician and cemetery.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.  
(Approved April 26, 1971.)

## ACT 25

S. B. NO. 129

A Bill for an Act Relating to Services of an Attendant for an Injured Employee under Workmen's Compensation Law.

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

SECTION 1. Section 386-23, Hawaii Revised Statutes, is amended to read:

“**Section 386-23 Services of attendant.** When the director of labor and industrial relations finds that the service of an attendant for the injured employee is constantly necessary he may award a sum of not more than \$300 a month, as the director may deem necessary, for the procurement of such service.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.  
(Approved April 26, 1971.)

## ACT 26

S. B. NO. 474

A Bill for an Act Relating to Real Estate Brokers and Salesmen.

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

SECTION 1. Section 467-2, Hawaii Revised Statutes, is amended to read:

“**Section 467-2 Exceptions.** The provisions requiring a person to be licensed as a real estate broker or salesman shall not apply:

- (1) To any person who, as owner of any real estate or acting under power of attorney from the owner, performs any of the acts enumerated in the definitions of real estate broker and real estate salesman with reference to such real estate; provided that the term ‘owner’ as used

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\* Edited accordingly.

in this part shall not include any person engaged in the business of real estate development or brokerage or include such person who acquires any interest in any real estate for the purpose or as a means of evading the licensing requirements of this chapter; and provided further, the term person 'acting under power of attorney' as used in this part shall not include any person engaged in the business of real estate development or brokerage or such person who acts under a power of attorney for the purpose or as a means of evading the licensing requirements of this chapter;

- (2) To any person acting as a receiver, trustee in bankruptcy, administrator, or executor, trustee acting under any trust agreement, deed of trust, or will, or otherwise acting under any order of authorization of any court;
- (3) To any person who leases, offers to lease, rents, or offers to rent, any real estate or the improvements thereon of which he is the custodian or caretaker."

SECTION 2. New material is underscored. In printing this Act, the revision of statutes need not include the underscoring.\*

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

(Approved April 26, 1971.)

## ACT 27

S. B. NO. 475

A Bill for an Act Relating to Requirements for Real Estate License.

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

SECTION 1. Section 467-8, Hawaii Revised Statutes, is amended to read:

**§467-8 No license issued when.** No license hereunder shall be issued to:

- (1) Any person unless he has demonstrated by passing with a grade satisfactory to the real estate commission a written examination given by it and appropriate to the license sought that he has a reasonable knowledge of (A) estates, interests, and rights in real property, (B) the documents or acts or occurrences by which such property is transferred or otherwise affected, (C) the rights and duties of an agent, (D) the laws of the State relating to real estate brokers and salesmen, and (E) such other subjects as the commission determines to be essential for the protection of the general public in its real estate transactions;
- (2) Any person who does not possess a good character and reputation for honesty, truthfulness, and fair dealing; or any person who has been convicted of a crime involving moral turpitude unless the person has received a full and free pardon or presents satisfactory proof to the commission that for the five years next preceding the date of his application he has lived an upright and moral life;

\* Edited accordingly.

- (3) Any copartnership unless every member of the copartnership who actively participates in the real estate brokerage business thereof holds a real estate broker's license;
- (4) Any corporation unless the real estate brokerage business thereof is under the direct management of an officer or employee thereof and unless the officer or employee holds a real estate broker's license;
- (5) Any person applying for a license unless the person has been a resident of the State for at least two years prior to such issuance and is of the age of twenty years or more;
- (6) To any person as a broker unless he has been duly licensed as a real estate salesman for a period of at least two consecutive years prior to the date of his application for a real estate broker's license and either (A) he has been engaged in the real estate business for the period of two years or (B) he has had other experience or education in the selling or management of real estate which, in the opinion of the commission, is equivalent to two years' experience to be established by detail explanatory affidavit or in such other manner as may be determined by the commission;
- (7) Any person as a real estate salesman who has not satisfactorily completed a course on real estate principles of a minimum of thirty class hours or its equivalent as may be established by the commission; provided, however, that this subsection shall not apply to applicants for a real estate salesman's license prior to July 1, 1972;
- (8) Any person as a real estate broker who has not satisfactorily completed a course on real estate principles of a minimum of forty class hours or its equivalent as may be established by the commission; provided, however, that this subsection shall not apply to applicants for a real estate broker's license prior to January 1, 1973."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved April 26, 1971.)

A Bill for an Act Relating to Abandoned Vehicles.

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

SECTION 1. Chapter 290 of the Hawaii Revised Statutes, is hereby amended by adding new sections thereto which shall read as follows:

**"Section 290- . Derelict vehicle.** A vehicle shall be deemed a derelict by the administrative head of the agency designated to carry out section 290-1 under either one of the following conditions:

\* Edited accordingly.

- (1) If the certificate of registration of the vehicle has expired and the registered and legal owner no longer resides at the address listed on the last certificate of registration on record with the county director of finance;
- (2) if the last registered and legal owner of record disclaims ownership;
- (3) if essential major parts have been removed so as to render the vehicle inoperable, and the vehicle identification numbers, license number plates and other means of identification have been removed so as to nullify efforts to locate or identify the registered and legal owner; or
- (4) if the vehicle registration records of the county director of finance contain no record that the vehicle has ever been registered in the county.

**Section 290- . Disposition of derelict vehicle.** A derelict vehicle may be immediately disposed of or sold as junk without having to comply with the requirements of section 290-2 and 290-5.

**Section 290- . Disposition of unclaimed vehicle.** Whenever a county ordinance authorizes the police or other agency designated by the mayor of the county to remove and store vehicles, a vehicle removed and stored under authority of such ordinance may be deemed to have been abandoned for the purposes of this chapter if not claimed within twenty-four hours by a person entitled to possession. Such vehicle may be disposed of in accordance with this chapter for the disposition of abandoned vehicles.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.

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

(Approved April 26, 1971.)

ACT 29

S. B. NO. 950

A Bill for an Act Relating to Tax Credits to Low Income Household Renters.

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

SECTION 1. Section 235-56.5(b), Hawaii Revised Statutes, is amended to read:

“(b) Each resident taxpayer who occupies real property as his residence for which he has paid rent and which is not partially or wholly exempted from the real property tax, and who is not eligible to be claimed as a dependent for federal or state income taxes by another, and who files an individual net income tax return for a taxable year may claim tax credits against his Hawaii state individual net income tax; provided that the claimant was a resident of Hawaii and he or his immediate family shall have occupied the residence for which he has paid rent during the taxable year for which he files for credit under this section.”

ACT 30

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.  
(Approved April 26, 1971.)

ACT 30

H. B. NO. 386

A Bill for an Act Relating to Public Lands.

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

SECTION 1. Section 171-1, Hawaii Revised Statutes, is amended to read:

**“Sec. 171-1. Definitions.** In this chapter, if not inconsistent with the context:

“Animal unit’ means one mature cow or horse; two yearling steers or heifers; five mature sheep; twelve weaned lambs; two colts;

“Board’ means the board of land and natural resources;

“Carrying capacity’ means the maximum number of animal units which an area will support over a period of years without injury to the soil, forage resources, tree growth, watershed, or unwarranted interference with other services of the land;

“Department’ means the department of land and natural resources;

“Chairman’ means the chairman of the board of land and natural resources;

“District’ means the land district as constituted under this chapter;

“Holder of record having a security interest’ is a person who is the owner or possessor of a security interest in any land covered in section 171-21 and who has filed with the bureau of conveyances of the State and with the department a copy of the interest;

“Land’ includes all interests therein and natural resources including water, minerals, and all such things connected with land, unless otherwise expressly provided;

“Land agent’ means the land agent of the public lands of the district where the land is situated;

“Land license’ means a privilege granted to enter land for a certain special purpose such as the removal of timber, soil, sand, gravel, stone, hapuu, and plants, but not including water rights, ground or surface, nor removal of minerals, or removal of sand on Oahu;

“Land patent’ means a government grant of real estate in fee simple;

“Lease’ means the right to possess and use land for a term of years;

“Person’ includes individual, partnership, corporation, and association, except as otherwise defined in this chapter.

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\* Edited accordingly.

“Public purpose’, as used in this chapter, unless the context clearly indicates otherwise, includes but shall not be limited to all public uses, the straightening of boundaries of public lands, acquisition of access to landlocked public lands, the consolidation of the holdings of public lands, development of houselots, farmlots, and industrial subdivisions.”

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

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

(Approved May 3, 1971.)

## ACT 31

H. B. NO. 578

A Bill for an Act Relating to Fees Payable to the Board of Medical Examiners.

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

SECTION 1. Section 453-6, Hawaii Revised Statutes is amended to read:

**§453-6 Fees; expenses.** No applicant shall be examined under this chapter until he has paid to the board of medical examiners a fee of \$125. As a prerequisite to the issuance of a limited and temporary license under this chapter, the applicant shall pay to the board a fee of \$25; provided, that the fee to be paid by an applicant qualifying under section 453-3(4) shall be \$5. Every person holding a license under this chapter shall re-register with the board each year, not later than January 31 and for such registration shall pay a fee of \$5. Failure to do so shall constitute a forfeiture of license, which may be restored upon written application therefor and payment to the board of a fee of \$25. All such fees shall be deposited by the director of regulatory agencies with the director of finance to the credit of the general fund.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved May 3, 1971.)

## ACT 32

H. B. NO. 1624

A Bill for an Act Relating to the Acquisition of Real Property by the State for Use in any Project or Program in which Federal or Federal-Aid Funds are Used.

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

SECTION 1. **Application.** This Act shall be applicable to the acquisition of real property under the laws of the State for use in any project or program in which federal or federal-aid funds are used.

\* Edited accordingly.

**SECTION 2. Property acquired; reimbursement of owner.** In acquiring real property for use in any project or program in which federal or federal-aid funds are used, the State shall as soon as practicable after the date of payment of the purchase price or the date of deposit into court of funds to satisfy a judgment in a condemnation proceeding to acquire real property, whichever is the earlier, reimburse the owner, to the extent the State deems fair and reasonable, for expenses he necessarily incurred for (a) recording fees, transfer taxes and similar expenses incidental to conveying such real property to the State; (b) penalty costs for prepayment of any pre-existing recorded mortgage loan entered into in good faith and encumbering such real property; and (c) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the State, or the effective date of possession of such real property by the State, whichever is the earlier.

**SECTION 3. Property not acquired; reimbursement of owner.** Where a condemnation proceeding is instituted by the State to acquire real property for use in any project or program in which federal or federal-aid funds are used and (1) the final judgment is that the real property cannot be acquired by condemnation or (2) the proceeding is abandoned, the State shall pay the owner of any right, title or interest in such real property such sums as will, in the opinion of the State, reimburse such owner for his reasonable attorney, appraisal and engineering fees, actually incurred because of the condemnation proceedings.

**SECTION 4. Proceeding by owner.** Where an inverse condemnation proceeding is instituted by the owner of any right, title or interest in real property because of use of his property in any program or project in which federal or federal-aid funds are used, the court, rendering a judgment for the plaintiff in such proceeding and awarding compensation for the taking of property, or the State's attorney effecting a settlement of any such proceeding, shall determine and award or allow to such plaintiff, as a part of such judgment or settlement, such sums as will, in the opinion of the court or the State's attorney, reimburse such plaintiff for his reasonable costs, disbursements and expenses, including reasonable attorney, appraisal and engineering fees, actually incurred because of such proceeding.

**SECTION 5. Policy provisions.** In acquiring real property for any project or program in which federal or federal-aid funds are used, the State shall comply with the following policies:

- (1) Every reasonable effort shall be made to acquire expeditiously real property by negotiation.
- (2) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.
- (3) Before the initiation of negotiations for real property, an amount shall be established which is reasonably believed to be just compensation therefor and such amount shall be offered for the property.



In no event shall such amount be less than the approved appraisal of the fair market value of such property.

- (4) No owner shall be required to surrender possession of real property before the agreed purchase price is paid or before there is deposited with the State court, in accordance with applicable law, for the benefit of the owner an amount not less than the approved appraisal of the fair market value of such property, or the amount of the judgment in the condemnation proceeding involving the property.
- (5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling will be available) or to move his business or farm operation without at least 90 days' written notice from the date by which such move is required.
- (6) If an owner or tenant is permitted, on a rental basis, to occupy the real property acquired for a short term or for a period subject to termination by the State on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.
- (7) In no event shall the time of condemnation be advanced, on negotiations or condemnation and the deposit of funds in court for the use of the owner be deferred, or any other coercive action be taken to compel an agreement on the price to be paid for the property.
- (8) If an interest in real property is to be acquired by exercise of the power of eminent domain, formal condemnation proceedings shall be instituted. The State shall not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.
- (9) If the acquisition of only part of the property would leave its owner with an uneconomic remnant, an offer to acquire the entire property shall be made.
- (10) All buildings, structures, or other improvements which must be removed or which are adversely affected by the use to which the real property acquired will be put, shall be acquired.
- (11) Notwithstanding the obligation of a tenant or lessee, as owner, to remove a building, structure or other improvement at the expiration of his term, just compensation shall be paid to the owner for the taking of such building, structure or other improvement, just compensation being the value which such building, structure or other improvement contributes to the fair market value of the real property, or the fair market value of such building, structure, or improvement alone, whichever is the greater; provided that, payment for such buildings, structures or other improvements shall not result in duplication of payments unless otherwise authorized by State law; and provided further, that no such payment shall be made unless the owner of the land involved disclaims all interest in the improvements of the tenant. Nothing herein shall be con-

**ACT 33**

strued to deprive the tenant of his right to reject the proffered payment and to seek compensation for his property interest through other laws of the State.

**SECTION 6. Effective date.** This Act shall take effect upon its approval.  
(Approved May 3, 1971.)

**ACT 33**

**S. B. NO. 69**

A Bill for an Act Relating to the Disposition of Estates of Leprosy Patients which are Administered by the Department of Health.

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

**SECTION 1. Purpose.** The purpose of this Act is to remove from the department of health responsibility for disposition of unadministered estates of deceased leprosy patients. Unadministered estates of deceased leprosy patients will be treated as provided by statute for unadministered estates generally.

**SECTION 2.** Sections 531-41, 531-42, 531-43, 531-44 and 531-45, Hawaii Revised Statutes, are repealed.

**SECTION 3.** Statutory material to be repealed is bracketed. In printing this Act, the revisor of statutes need not include the brackets.\*

**SECTION 4.** This Act shall take effect upon its approval.  
(Approved May 3, 1971.)

**ACT 34**

**S. B. NO. 74**

A Bill for an Act Relating to Arrest of Persons Violating Fish and Game Laws and Regulations.

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

**SECTION 1.** Section 187-9, Hawaii Revised Statutes, is hereby amended to read:

**“Section 187-9 Arrest.** Any fish and game officer, and his agents and subordinates, upon arresting any person for violation of the fish and game laws or regulations are authorized to immediately take the person arrested to a police station or before a magistrate, or to take the name, address, and fishing or hunting license number, if any, of the person and to issue to him a summons or citation, printed in the form hereinafter described, warning him to appear and answer to the charge against him at a certain place and at a time within seven days after the arrest.”

**SECTION 2.** Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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\* Edited accordingly.

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

(Approved May 3, 1971.)

Act 35

S. B. NO. 76

A Bill for an Act Relating to Seizure and Forfeiture of Fishing and Hunting Gear.

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

SECTION 1. Section 187-16, Hawaii Revised Statutes, is amended to read:

**“Section 187-16 Seizure and forfeiture of fishing and hunting gear.** Any fishing or hunting gear used or possessed in violation of any of the provisions of chapters 187 through 192 and chapter 134, is declared to be a public nuisance and shall be subject to seizure by any fish and game agent of the department of land and natural resources or any police officer; and upon conviction of the person using or having possession of such gear for a violation of any provision of such chapters, the fishing or hunting gear may be declared by the court to be forfeited to the State. Any property so forfeited shall be turned over to the department, and all illegal gear shall be destroyed by the department and all legal gear sold at public auction in the judicial circuit in which it was seized, the auction to be held once annually at a place and time to be designated by the department and notice thereof to be published in a newspaper of general circulation within the judicial circuit at least once before the auction, the first publication to be not less than twenty days prior to the auction. The auction shall be conducted by a person other than an employee of the department but selected by the department.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved May 3, 1971.)

ACT 36

S. B. NO. 92

A Bill for an Act Relating to the Establishment of a Welfare Imprest Fund To Be Used To Meet the Immediate Needs of Eligible Persons in Emergency Situations.

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

SECTION 1. Chapter 40, Hawaii Revised Statutes, is amended by adding a new section thereto to read:

**“Section 40- Imprest fund for immediate welfare payments.** In addition to the petty cash funds authorized by section 40-84, and upon

\* Edited accordingly.

## ACT 37

approval by the comptroller, the amount necessary and sufficient to enable the department of social services and housing to make immediate welfare money payments to eligible recipients shall be advanced from the general fund of the State to be used by the department of social services and housing on an imprest basis in those cases only which require more immediate payment than that possible under the usual procedure for disbursing State funds provided in section 40-51. In granting approval, the comptroller may impose such conditions as he may deem necessary for the proper administration and accountability of the fund.

The welfare imprest fund shall be replenished at the end of each quarter and may be replenished at other times as required by the usage of the fund. In no case, however, may welfare disbursements, from the welfare imprest fund and under the usual procedure for disbursing State funds, exceed the amounts appropriated and allotted for a fiscal period."

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

(Approved May 3, 1971.)

## ACT 37

S. B. NO. 830

A Bill for an Act Relating to the Professional Corporation Law.

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

SECTION 1. Section 416-144, Hawaii Revised Statutes, is amended to read:

**"§416-144 Formation of corporation.** A corporation may be formed under this chapter for the purposes of qualifying as a professional corporation. The articles of association of a professional corporation shall contain a specific statement that the corporation is a professional corporation within the meaning of this part. No professional corporation shall render professional services in this State without a currently effective certificate of registration issued by the regulating board of the profession in which the corporation is or proposes to be engaged. No such certificate of registration shall be withheld without cause or arbitrarily withheld."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 3, 1971.)

## ACT 38

S. B. NO. 845

A Bill for an Act Relating to Restrictions on Leases Issued by the Board of Land and Natural Resources.

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\* Edited accordingly.

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

SECTION 1. Section 171-36, Hawaii Revised Statutes, as amended to read as follows:

**“Sec. 171-36. Lease restrictions; generally.** Except as otherwise provided, the following restrictions shall apply to all leases:

- (1) Options for renewal of terms are prohibited;
- (2) No lease shall be for a longer term than sixty-five years, except in the case of a residential leasehold which may provide for an initial term of fifty-five years with the privilege of extension to meet Federal Housing Administration, Federal National Mortgage Association, Federal Land Bank of Berkeley, Federal Intermediate Credit Bank of Berkeley, Berkeley Bank for Cooperatives, or Veterans Administration requirements, provided, that the aggregate of the initial term and extension shall in no event exceed seventy-five years; and except in the case of a macadamia nut orchard lease the term of which shall not be in excess of forty-five years.
- (3) No lease shall be made for any land under a lease which has more than one year to run;
- (4) No lease shall be made to any person who is in arrears in the payment of taxes, rents or other obligations owing the State or any of its political subdivisions;
- (5) No lease shall be transferable or assignable, except by devise, bequest, or intestate succession; provided, that with the approval of the board of land and natural resources, the assignment and transfer of a lease or unit thereof may be made if
  - (A) It contains the personal residence of the lessee; or
  - (B) In the case of commercial, industrial, hotel, resort, apartment, and other business uses, the lessee was required to put in substantial building improvements;
  - (C) The lessee becomes mentally or physically disabled;
  - (D) Extreme economic hardship is demonstrated to the satisfaction of the board; or
  - (E) It is to the corporate successor of the lessee;
- (6) The lessee shall not sublet the whole or any part of the demised premises except with the approval of the board, provided, that prior to the approval, the board shall have the right to review and approve the rent to be charged to the sublessee and provided further that the board shall have the right to review and, if necessary, revise the rent of the demised premises based upon the rental rate charged to the sublessee; provided, that the rent may not be revised downward;
- (7) The lease shall be for a specific use or uses and shall not include waste lands, unless it is impractical to provide otherwise;
- (8) Mineral and metallic rights and surface and ground water shall be reserved to the State;
- (9) No lease of public lands, including submerged lands, nor any extension of any such lease, shall be issued by the State to any

person to construct, use or maintain a sunbathing or swimming pier or to use the lands for such purposes, unless such lease, or any extension thereof, contains provisions permitting the general public to use the pier facilities on the public lands and requiring that a sign or signs be placed on the pier, clearly visible to the public, which indicates the public's right to the use of such pier. The board shall, at the earliest practicable date, and where legally possible, cause all existing leases to be amended to conform to the provisions of this subsection. The term 'lease', for the purposes of this subsection, shall include month to month rental agreements and similar tenancies.

The board may, from time to time, upon the issuance of any lease, modify or eliminate any of the foregoing restrictions to the extent necessary to qualify the lease for mortgage lending or guaranty purposes with the Federal Housing Administration, Federal National Mortgage Association, Veterans Administration, Small Business Administration, Farmers Home Administration, Federal Land Bank of Berkeley, Federal Intermediate Credit Bank of Berkeley, Berkeley Bank for Cooperatives, and any other federal mortgage lending agency qualified to do business in Hawaii, and their respective successors and assigns."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 3, 1971.)

ACT 39

H. B. NO. 804

A Bill for an Act Relating to the Holy Day of the Baha'i Faith.

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

SECTION 1. Chapter 8, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**Section 8- Baha'i New Year's Day.** The 21st day of March shall be known as Baha'i New Year's Day, provided that this day is not and shall not be construed to be a state holiday."

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

(Approved May 6, 1971.)

ACT 40

H. B. NO. 607

A Bill for an Act Relating to Real Property Tax and Amending Section 246-48, Hawaii Revised Statutes.

\* Edited accordingly.

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

SECTION 1. Section 246-48, Hawaii Revised Statutes, is amended to read:

**“§246-48 Taxes; due when; installment payments; billing and delinquent dates.** All real property taxes shall be due and payable on and after July 1 of each tax year and the payment thereof shall be determined in the following manner:

All known persons assessed for real property taxes shall be billed not later than the billing date designated in the schedule listed herein; subject however, to the limitations heretofore provided in section 246-47. Each taxpayer shall pay the real property taxes due from him, for the year in which the taxes are assessed, in two equal installments on or before the dates designated for the group to which his parcel is assigned. The director of taxation shall, in each year, arrange the total parcels of real property in each taxation district into two groups designated as Groups I and II. He shall then assign each parcel to one of these groups in such a manner as to insure that approximately 25 per cent of the estimated real property taxes for the current year are due on each of the four payment dates designated in the following schedule:

Fiscal Year Schedule

	(Billing Date)	(1st Payment)	(2nd Payment)
Group I	November 5	November 20	May 20
Group II	November 15	November 30	May 30

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

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act, upon its approval, shall take effect on July 1, 1971.

(Approved May 6, 1971.)

ACT 41

S. B. NO. 175

A Bill for an Act Relating to Civil Service and Exemptions.

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

SECTION 1. Section 76-16(17), Hawaii Revised Statutes, is amended to read as follows:

\* Edited accordingly.

## ACT 42

“(17) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, article IV, of the State Constitution; three additional deputies or assistants either in charge of the highways, harbors, and airports divisions or such other functions within the department of transportation as may be assigned by the director of transportation, with the approval of the governor; one additional deputy to administer all hospitals within the jurisdiction of the department of health; and an administrative assistant to the superintendent of education;”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 6, 1971.)

## ACT 42

S. B. NO. 453

A Bill for an Act Relating to Corporations.

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

SECTION 1. Section 416-95, Hawaii Revised Statutes, is amended to read:

“**Sec. 416-95. Annual exhibit, exceptions; inspection by whom; penalty.** Every corporation organized for profit under this chapter shall annually, between January 1 and May 1, file with the director of regulatory agencies a full and accurate exhibit of its state of affairs. The exhibit shall be made as of December 31 of each year, and shall contain such information and be made in such form as the director, with the approval of the governor, shall require. However, if the corporation has adopted a fiscal year basis other than the calendar year basis, it may make application to the director and be allowed by him to make its exhibit as of the end of its fiscal year, and file the same within one hundred twenty days immediately following the fiscal year date. In the case of an Hawaiian corporation which conducts its principal business without the State, it may file its exhibit within one hundred twenty days after the date as of which the exhibit is to be made. The director may grant a reasonable extension of time for making and filing the annual exhibits.

Examination of books, etc., by director. The director may either himself, or by one or more commissioners appointed by him, call for the production of the books and papers of the corporation, and examine its officers, members, and others touching its affairs, under oath. The annual reports above mentioned, and the result of the examination, the director may in his discretion lay before the governor, and also publish. In case any corporation refuses to produce its books and papers upon the request of the director, or

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\* Edited accordingly.



the commissioners appointed by him, or in case any of the officers or members of any corporation refuses to be examined on oath, touching the affairs of the corporation, then the director, or the commissioners, may apply to a circuit judge at chambers for an order to compel the production of the books and papers or the examination of the officers or members of the corporation, obedience to which order may be enforced by the judge, in like manner with his ordinary decrees and orders.

Penalty. Any corporation violating or neglecting or failing in any particular to conform to or comply with any of the provisions of this section shall be subject to a forfeiture of an amount to be determined by the director not exceeding \$100 for every such violation, neglect or failure, to be recovered by action brought in the name of the State by the director. A continuance of a failure to file the required exhibit shall be a separate offense for each thirty days of the continuance. The director may, for good cause shown, waive the penalty imposed by this section."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved May 6, 1971.)

## ACT 43

S. B. NO. 944

A Bill for an Act Making an Appropriation for the Renovation of the Keelikolani Building Annex which Is Used 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 \$81,000, 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 renovating 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 383-123, Hawaii Revised Statutes, but shall remain a part of the unemployment compensation fund until expended.

\* Edited accordingly.

ACT 44

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 fourteen 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 fifteen 12-month periods.

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

(Approved May 10, 1971.)

ACT 44

S. B. NO. 716

A Bill for an Act Relating to the Student Loan Assistance Program at the University of Hawaii.

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

SECTION 1. Section 304-92, Hawaii Revised Statutes, is amended to read:

**“Sec. 304-92 Eligibility for loans; amounts.** Eligibility for loans from the loan fund is limited to students at the University of Hawaii or the community colleges of the State who have been residents of the State for at least one year and are enrolled in a full-time program which culminates in the award of a degree. The amount to be loaned to a student shall be determined by the board of regents based on need for financial aid, academic promise, and deportment. In no event shall the amount loaned to any student in any school year exceed the sum of tuition and mandatory registration fees, mandatory special fees charged for the use of laboratories, mandatory fees charged for participation in student activities and privileges, the cost of required textbooks, and up to \$200 per month to defray room and board expenses.”

SECTION 2. Section 304-93, Hawaii Revised Statutes, is amended to read:

**“Sec. 304-93 Repayment of loans.** All loans made under this part shall bear interest at three per cent simple interest. Repayment of principal and interest charges shall commence nine months after graduation or withdrawal from the degree program and shall be paid in periodic installments within a ten year period. The board of regents may, upon application by the student and upon a showing of good cause, defer repayment of the loan and commencement of interest. Liability for repayment of a loan shall be cancelled upon the death or permanent total disability of the borrower.”

SECTION 3. Material to be repealed is bracketed. New material is

underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved May 10, 1971.)

## ACT 45

S. B. NO. 115

A Bill for an Act Relating to Real Property Taxes and the Elimination of the Home Exemption Schedule.

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

SECTION 1. Section 246-26(a), Hawaii Revised Statutes, is amended to read:

“(a) Real property owned and occupied only as his or their home by any individual or individuals, shall be exempt only to the following extent from property taxes:

- (1) Totally exempt where the value of the property is not in excess of \$8,000;
- (2) Where the value of such property is in excess of \$8,000, the exemption shall be the amount of \$8,000.

Provided:

- (A) That no such exemption shall be allowed to any corporation, copartnership or company;
- (B) That the exemption shall not be allowed on more than one home for any one taxpayer;
- (C) That where the taxpayer has acquired his home by a deed made on or after July 1, 1951, the deed shall have been recorded on or before June 30 immediately preceding the year for which the exemption is claimed;
- (D) That a husband and wife shall not be permitted exemption of separate homes owned by each of them, unless they are living separate and apart, in which case they shall be entitled to one exemption, to be apportioned between each of their respective homes in proportion to the value thereof;
- (E) That a person living on premises, a portion of which is used for commercial purposes, shall not be entitled to an exemption with respect to such portion, but shall be entitled to an exemption with respect to the portion thereof used exclusively as a home; and
- (F) That such exemption shall be revoked if the home is not occupied by the owner or owners during the first three months of the tax year.

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

\* Edited accordingly.

SECTION 3. This Act shall take effect upon its approval.  
(Approved May 10, 1971.)

A Bill for an Act Relating to Termination of Parental Rights.

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

SECTION 1. Section 571-61, Hawaii Revised Statutes, is amended to read:

**§571-61. Termination of parental rights; petition.** (a) The legal parents or the surviving parent or the mother of a minor born out of wedlock who desire to relinquish parental rights to any natural or adopted minor and thus make the minor available for adoption or readoption, may petition the family court of the circuit in which they or he or she resides, or of the circuit in which the minor resides, for the entry of a judgment of termination of parental rights. The petition shall be verified and shall be substantially in such form as may be prescribed by the judge or senior judge of the family court. The petition may be filed by the legal parents or the surviving parent or the unmarried mother of a living minor, or by the legal parents or the surviving mother or the unmarried mother of an unborn child at any time following the sixth month of pregnancy; provided, that no judgment may be entered upon a petition concerning an unborn child until after the birth of the child and until the petitioner or petitioners have filed in the termination proceeding a written reaffirmation of their desires as expressed in the petition or until the petitioner or petitioners have been given not less than ten days' notice of a proposal for the entry of judgment and an opportunity to be heard in connection with such proposal.

(b) The family courts may terminate the parental rights in respect to any minor as to any legal parent;

- (1) Who has deserted the minor without affording means of identification for a period of at least 90 days or who has voluntarily surrendered the care and custody of the minor to another for a period of at least two years;
- (2) Who, when the minor is in the custody of another, has failed to communicate with the minor when able to do so for a period of at least two years, or has failed to provide for care and support of the minor when able to do so as required by law or judicial decree for a period of at least one year;
- (3) Who has neglected, ill-treated or abused the minor to such an extent that legally authorized judicial action has been taken pursuant to section 571-11(2) (A), which has resulted in the removal of the minor from the physical custody of the parent;
- (4) Who is found to be mentally ill or mentally retarded to an extent requiring institutional care and therefore incapacitated from giving consent to the adoption of the minor; or
- (5) When it is shown to the satisfaction of the court that the legal father of a child is not his natural father.

Such authority may be exercised only when a verified petition, substantially in the form above prescribed, has been filed by some responsible adult person on behalf of the minor in the family court of the circuit in which the parent or the minor resides and the court has conducted a hearing of the petition. A copy of the petition, together with notice of the time and place of the hearing thereof, shall be personally served at least twenty days prior to the hearing upon the parent whose rights are sought to be terminated. In the event that personal service cannot be effected within the State, service of the notice may be made as provided in section 634-59 or 634-60, whichever is applicable; or in lieu thereof, service of the notice may be made by certified or registered mail with request for a return receipt, which service, evidenced by such receipt signed by the parent whose rights are sought to be terminated, shall be equivalent to personal service."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 10, 1971.)

## ACT 47

S. B. NO. 99

A Bill for an Act Relating to the Establishment of a Correctional Diagnostic Center.

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

SECTION 1. Chapter 353, Hawaii Revised Statutes, is amended by adding a new section thereto to read:

"353- **Establishment of correctional diagnostic center.** The director of social services and housing shall establish a correctional diagnostic center which shall be staffed by a team of psychiatrists, social and correctional workers, technicians, and other personnel as may be necessary. Diagnostic examinations shall be undertaken at the center for the purpose of determining which correctional treatment program and facility will best rehabilitate the prisoner. The correctional diagnostic team services of the diagnostic center shall be available to the district and circuit courts of Hawaii when requested by any presiding judge."

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

(Approved May 10, 1971.)

## ACT 48

H. B. NO. 1570

A Bill for an Act Relating to General Partnerships.

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

\* Edited accordingly.

## ACT 49

SECTION 1. The introductory paragraph of §425-1, Part I of Chapter 425, Hawaii Revised Statutes, is hereby amended to read as follows:

**§425-1. Registration and annual statements.** Whenever any general partnership is formed under the laws of the State to do business in the State, or any general partnership formed under the laws of any other jurisdiction shall do business in the State, such partnership shall file in the office of the director of regulatory agencies the registration and annual statements herein-after provided. A registration statement shall be filed by a partnership formed under the laws of the State within thirty days after the partnership is formed and by a partnership formed under the laws of any other jurisdiction within thirty days after the commencement of business in the State. An annual statement shall be filed on or before March 31 of each year, as of December 31 of the preceding year. Every such registration statement shall contain the following information:"

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

(Approved May 10, 1971.)

## ACT 49

S. B. NO. 1173

A Bill for an Act Relating to Collective Bargaining in Public Employment.

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

SECTION 1. Section -5(a), Act 171, Session Laws of Hawaii 1970, is amended by amending the first paragraph to read as follows:

"There is created a Hawaii public employment relations board composed of three members of which (1) one member shall be representative of management, (2) one member shall be representative of labor, and (3) the third member, the chairman, shall be representative of the public. All members shall be appointed by the governor for terms of six years each, except that the terms of members first appointed shall be for four, five, and six years respectively as designated by the governor at the time of appointments. Public employers and employee organizations representing public employees may submit to the governor for consideration names of persons representing their interests to serve as members of the board and the governor shall first consider these persons in selecting the members of the board to represent management and labor. Each member shall hold office until his successor is appointed and qualified. Because cumulative experience and continuity in office are essential to the proper administration of this chapter, it is declared to be in the public interest to continue board members in office as long as efficiency is demonstrated, notwithstanding the provision of section 26-34, which limits the appointment of a member of a board or commission to two terms."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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\* Edited accordingly.

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

(Approved May 13, 1971.)

## ACT 50

S. B. NO. 40

A Bill for An Act Relating to Disaster Relief.

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

SECTION 1. Section 127-10, Hawaii Revised Statutes, is amended to read:

**“Sec. 127-10. Disaster relief during suspension of preceding sections.** During any period in which sections 127-1 to 127-9 are not in effect, the governor and political subdivisions may exercise any and all of their powers that relate to disasters resulting from enemy attacks, in order to provide other disaster relief. All provisions of law that relate to disasters resulting from enemy attacks during such period are made applicable to other disaster relief, including without limitation, provisions making or authorizing appropriations or expenditures.

As used in this section ‘other disaster relief’ means the preparation for and the carrying out of all functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters caused by fire, flood, tidal wave, volcanic eruption, earthquake, or other natural causes and major disasters caused by acts of man, including but not limited to, massive oil spills, nuclear accidents, airplane crashes and civil disturbances.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 17, 1971.)

## ACT 51

S. B. NO. 201

A Bill for an Act Relating to the Fuel Tax.

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

SECTION 1. Section 243-4(b), Hawaii Revised Statutes, is amended to read:

“(b) Every distributor of diesel oil shall, in addition to the tax required by subsection (a) of this section, pay a license tax to the department for each gallon of such diesel oil sold or used by him for operating a motor vehicle or motor vehicles upon the public highways of the State. The rates of the additional tax hereby imposed are as follows:

\* Edited accordingly.

- (1) For each gallon of diesel oil so sold in the city and county of Honolulu, or in any other county for ultimate use in the city and county of Honolulu, or used in the city and county of Honolulu, 4 cents state tax, and in addition thereto to such amount, to be known as the 'city and county of Honolulu fuel tax', as shall be levied pursuant to section 243-5.
- (2) For each gallon of diesel oil so sold in the county of Hawaii, or in any other county for ultimate use in county of Hawaii, or used in the county of Hawaii, 4 cents state tax, and in addition thereto such amount, to be known as the 'county of Hawaii fuel tax', as shall be levied pursuant to section 243-5.
- (3) For each gallon of diesel oil so sold in the county of Maui, or in any other county for ultimate use in county of Maui, or used in the county of Maui, 4 cents state tax, and in addition thereto such amount, to be known as the 'county of Maui fuel tax', as shall be levied pursuant to section 243-5.
- (4) For each gallon of diesel oil so sold in the county of Kauai, or in any other county for ultimate use in county of Kauai, or used in the county of Kauai, 4 cents state tax, and in addition thereto such amount, to be known as the 'county of Kauai fuel tax', as shall be levied pursuant to section 243-5.

If any user of diesel oil furnishes a certificate, in such form as the department shall prescribe, to the distributor, or the distributor who uses diesel oil signs such certificate, certifying that the diesel oil is for use in operating a motor vehicle or motor vehicles in areas other than upon the public highways of the State, the tax as provided in paragraphs (1) to (4) of this subsection shall not be applicable. In the event a certificate is not or cannot be furnished and the diesel oil is in fact for use for operating a motor vehicle or motor vehicles in areas other than upon the public highways of the State, the user thereof may obtain a refund of all taxes thereon imposed by the foregoing paragraphs. The department shall prescribe rules and regulations to administer the refunding of such taxes."

SECTION 2. Section 243-4(c), Hawaii Revised Statutes, is amended to read:

"(c) The tax shall not be collected in respect to any liquefied petroleum gas, benzol, benzene, toluol, or xylol sold for use other than for operating internal combustion engines. With respect to these products, other than liquefied petroleum gas, the department by regulation shall provide for the reporting and payment of the tax and for the keeping of records in respect thereto, in such manner as to collect, for each gallon of such product sold for use in internal combustion engines for the generation of power, or so used, the same tax or taxes as apply to each gallon of diesel oil. With respect to liquefied petroleum gas, the only tax collected shall be that provided in paragraphs (1), (2), and (3) of this subsection. This subsection shall not apply to aviation fuel sold for use in or used for airplanes.

- (1) Every distributor of any liquefied petroleum gas for operations of an internal combustion engine shall pay a license tax to the depart-



ment of 1 cent for each gallon of such liquefied petroleum gas sold or used by him.

- (2) Every distributor shall, in addition to the tax required under paragraph (1) of this subsection, pay a license tax to the department for each gallon of liquefied petroleum gas sold or used by him for operating a motor vehicle or motor vehicles upon the public highways of the state at a rate equal to two-thirds of the rates applicable to diesel oil in subsection (b), rounded to the nearest cent, and the taxes so paid shall be paid into the State treasury and deposited in special funds or paid over in the same manner as provided in subsection (b) in respect of the tax on diesel oil.
- (3) If any user of liquefied petroleum gas furnishes to the distributor a certificate, in such form as the department shall prescribe, or the distributor who uses liquefied petroleum gas signs such certificate, certifying that the liquefied petroleum gas is for use in operating a motor vehicle or motor vehicles in areas other than upon the public highways of the state, the tax as provided by paragraphs (1) and (2) of this section shall not be applicable; provided, that no certificate shall be required if the liquefied petroleum gas is used for fuel and heating purposes in the home. In the event a certificate is not or cannot be furnished and the liquefied petroleum gas is in fact used for operating an internal combustion engine or operating a motor vehicle or motor vehicles in areas other than upon the public highways of the state, the user thereof may obtain a refund of all taxes thereon imposed by such paragraphs. The department shall prescribe rules and regulations to administer the refunding of such taxes imposed."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act, upon its approval, shall be effective from July 1, 1971.

(Approved May 17, 1971.)

## ACT 52

S. B. NO. 449

A Bill for an Act Relating to Minimum Capital for an Industrial Loan Company.

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

SECTION 1. Section 408-8, Hawaii Revised Statutes, is amended to read:

**"Sec. 408-8 Application for license; investigation fee.** Any company required or desiring to obtain a license to operate under this chapter shall file an application, in writing, under oath, with the bank examiner, in the form prescribed by the bank examiner, which shall contain:

\* Edited accordingly.

- (1) The full name and address of the applicant, and, if the applicant is a firm, of every member thereof, or, if the applicant is a corporation, of every officer thereof;
- (2) The county and town with street and number where the business is to be conducted; and
- (3) Such other information as the bank examiner may require.

The applicant shall pay to the director of regulatory agencies at the time of filing of an application for license an investigation fee of \$75, which shall not be refundable. Licensees who apply for the relocation of their present offices shall pay to the director an investigation fee of \$50, which shall not be refundable.

Conditions for approval. Upon the filing of the application, if the bank examiner upon investigation finds:

- (1) That the financial responsibility, experience, character, and general fitness of the applicant and of the officers or members thereof are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly, and efficiently within the purposes of this chapter;
- (2) That allowing the applicant to engage in this business will promote the convenience and advantage of the locality or community in which the business of the applicant is to be conducted; and
- (3) That the applicant has available for the operation of this business at the specified location capital of at least \$100,000;

(The foregoing facts being conditions precedent to the issuance of a license under this chapter) he shall write upon the face of the application the fact that he has approved the same, together with the date, and affix his signature. The application shall then be returned to the applicant who shall upon receipt of an approved application transmit it within thirty days to the director who shall file and preserve the application.

Review of disapproval. No application shall be disapproved except after the applicant has had a notice of a hearing on the application and an opportunity to be heard thereon. If the application is denied, the bank examiner shall, within twenty days thereafter, prepare and keep on file in his office, a written order of denial thereof, which shall contain his findings with respect thereto and the reasons supporting the denial, and forthwith serve upon the applicant a copy thereof. Within ten days after the receipt of the copy the applicant may appeal from the order of denial to a board consisting of the director of regulatory agencies, comptroller, and attorney general by filing with the comptroller a notice of appeal. After notice by mail to the applicant and after a hearing at which the applicant shall be entitled to be present and to be heard, the board shall file with the comptroller its decision in writing either ordering the bank examiner to approve the application or affirming his action in disapproving the same. A copy of the decision or order of the board shall forthwith be served upon the applicant by the bank examiner. The applicant may appeal from an adverse decision of the board to the circuit court of the circuit in which the applicant proposes to establish an office, as provided in chapter 91."

SECTION 2. Section 408-13, Hawaii Revised Statutes, is amended to read:

**“Sec. 408-13 Capital stock.** The capital stock of any corporation, desiring to engage in the industrial loan business, shall be not less than \$100,000 which capital stock shall be fully paid to the corporation in cash. No commission, fees, brokerage, or other compensation of any kind shall be paid, either directly or indirectly, to any person, firm, or corporation for the sale of any stock of such corporation, except out of assets in excess of the minimum capital of \$100,000 required by this chapter. The amount of the capital stock shall not, at any time thereafter, be voluntarily reduced below the amount originally paid in, except as may be permitted and in the manner provided by chapter 416; provided, that the amount of the capital stock shall at all times be at least \$100,000. This provision also applies to an industrial loan company that opens an additional office or place of business after July 31, 1971.”

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved May 17, 1971.)

ACT 53

S. B. NO. 465

A Bill for an Act Relating to Dental Hygienist.

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

SECTION 1. Section 447-3, Hawaii Revised Statutes, is amended to read:

**“Section 447-3 Employment of and practice by dental hygienist.** Any licensed dentist, legally incorporated eleemosynary dental dispensary or infirmary, private school, or welfare center, the State or any county, may employ licensed dental hygienists. Clinical dental hygiene may be practiced by a licensed dental hygienist. The practice of clinical dental hygiene is defined as the removal of hard and soft deposits and stains from the portion of the crown and root surfaces to the depth of the gingival sulcus, polishing natural and restored surfaces of teeth, the application of preventive chemical agents to the coronal surfaces of teeth, which chemical agents have been approved by the board of dental examiners and may use such mouth washes as are approved by the board, but shall not perform any repair work or the preparation thereof, or any other operation on the teeth or tissues of the mouth; provided, that nothing herein shall prohibit a dental hygienist from using or applying topically any chemical agent which has been approved in writing by the department of health for any of the purposes set forth in part V of chapter 321, entitled ‘Dental Health’, and other procedures delegated by the dentist in accordance with the rules and regulations of the board of

\* Edited accordingly.

## ACT 54

dental examiners. He may operate in the office of any licensed dentist, or legally incorporated eleemosynary dispensary or infirmary, private school, or welfare center, or in any building owned or occupied by the State or any county, but only under the aforesaid employment and under the direct or general supervision of a licensed dentist; provided, that in the private practice of dentistry, the hygienist shall be under the direct supervision of a licensed dentist."

SECTION 2. Statutory material to be repealed is bracketed. In printing this Act, the revisor of statutes need not include the brackets or the bracketed material.\*

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

(Approved May 17, 1971.)

## ACT 54

S. B. NO. 469

A Bill for an Act Relating to Nursing Home Administrators.

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

SECTION 1. Section 457B-8, Hawaii Revised Statutes, is amended to read:

"**Sec. 457B-8 Temporary license.** The board may issue a temporary license to any person who has served as administrator in the State prior to January 1, 1970. A temporary license shall expire two years after its issuance. In no event shall a temporary license be issued or extended after July 1, 1972."

SECTION 2. Section 457B-9, Hawaii Revised Statutes, is amended to read:

"**Sec. 457B-9 Fees.** An applicant for a license to practice nursing home administration by examination shall pay a fee of \$40. A fee of \$20 is required for each reexamination. Application fees shall not be refundable.

The annual fee for a temporary license or a renewal of license shall be \$25."

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 17, 1971.)

## ACT 55

S. B. NO. 626

A Bill for an Act Relating to Mechanics' and Materialmen's Lien.

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

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\* Edited accordingly.

SECTION 1. Section 507-45, Hawaii Revised Statutes, is amended to read as follows:

**“Section 507-45. Discharge of Lien.** Any mechanics; and materialmen’s lien may be discharged at any time by the owner, lessee, principal contractor or intermediate subcontractor filing with the clerk of the circuit court of the county in which the property is located or with the assistant registrar of the land court (if registered land is affected), cash or a bond for twice the amount of the sum for which the claim for the lien is filed, conditioned for the payment of any sum for which the claimant may obtain judgment upon his claim.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act the revisor of statutes need not include the bracketed material or the underscoring.\*

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

(Approved May 17, 1971.)

## ACT 56

H. B. NO. 1127

A Bill for an Act Relating to Referees of the Family Court.

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

SECTION 1. Section 571-7, Hawaii Revised Statutes is amended to read as follows:

“Sec. 571-7 Appointment of referees, duties. The judge or senior judge, if there is more than one, may appoint attorneys licensed to practice before the Supreme Court of Hawaii to act as referees, who shall hold office during the pleasure of the senior judge or judge. The compensation of a referee shall be the same as a full time district judge’s salary. The senior judge or judge may direct that any case coming within the jurisdictional provisions of this chapter, or all cases of a class or within a district to be designated by him, shall be heard in the first instance by a referee in the manner provided for the hearing of cases by the court, but any party may, upon request, have a hearing before a judge in the first instance. At the conclusion of a hearing the referee shall transmit promptly to the senior judge or judge all papers relating to the case, together with his findings and recommendations in writing.

The referees may administer oaths, perpetuate testimony under the rules and orders of the family court, and issue commissions for the perpetuation of testimony to be used in controversies pending before them, grant continuances of proceedings before them, subpoena and compel the attendance of witnesses within their respective circuits, and punish contempts according to law.

Written notice of the referee’s findings and recommendations shall be given to the minor if he is of sufficient age to understand the nature of the notice, and to the parent, guardian, or custodian of the minor, in all cases

\* Edited accordingly.

## ACT 57

heard by a referee coming within section 571-11, except uncontested cases, coming within section 571-11(3) to (8), and to all parties in contested adoption cases and in contested cases coming within section 571-14.

A hearing by a judge shall be allowed if any of such persons files with the court a request for review, provided that the request is filed within five days after the referee's written notice which shall apprise the persons of their right to request such review. If a hearing de novo is not requested by any party or ordered by the court, the hearing shall be upon the same evidence heard by the referee and reported in his findings, provided that new evidence may be admitted in the discretion of the judge. If a hearing before a judge is not requested or the right to the review is waived, the findings and recommendations of the referee, when confirmed by an order of a judge, become the decree of the court.

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. The requirement that referees be attorneys licensed to practice before the Supreme Court of Hawaii shall not apply to incumbent referees.

SECTION 4. This Act shall take effect on January 1, 1972.

(Approved May 17, 1971.)

## ACT 57

H. B. NO. 1131

A Bill for an Act to Amend the Hawaii Insurance Law, Chapter 431, Revised Laws of Hawaii as Amended, Relating to Fire Insurance Policies.

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

SECTION 1. Section 431-420(e), Revised Laws of Hawaii, as amended, is hereby amended to read as follows:

“(e) Any policy which, in addition to coverage against perils of fire and lightning, includes coverage against other perils, need not comply with all of the provisions of the standard form fire insurance policy if the policy provisions with respect to the perils of fire and lightning are the exact provisions of the standard form fire insurance policy and, except with respect to homeowners policies, if the premium for the perils of fire and lightning is separately stated.”

SECTION 2. Section 431-420(f) (8), Revised Laws of Hawaii, as amended, is hereby amended to read as follows:

“(8) An insurer may use appropriate forms of additional contracts, riders, or endorsements adding to or modifying the provisions in the standard policy, or insuring against any additional perils which may by law be the subject of insurance, or insuring against indirect or consequential loss or damage. Such other perils may be perils excluded from coverage in the standard policy. Such

\* Edited accordingly.

form of contracts, riders, and endorsements may contain provisions or stipulations inconsistent with the standard policy if such provisions and stipulations are applicable only to such additional coverage or other additional peril or perils insured against, and, except with respect to homeowners policies, shall state separately the premium, if any, for the peril or perils specified in the contracts, riders, or endorsements, and provide for cancellation as to the perils, if actually removed, without prejudice to the remaining insurance.”

SECTION 3. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

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

(Approved May 17, 1971.)

## ACT 58

S. B. NO. 188

A Bill for an Act Relating to Vessels for Commercial Fishing.

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

SECTION 1. Under chapter 189, Hawaii Revised Statutes, the department of land and natural resources presently issues permits authorizing the use of certain vessels for commercial fishing and collects fees for such permits. In addition, the State Boating Law (chapter 267, Hawaii Revised Statutes) requires certain vessels, including those used for commercial fishing, to be registered with the department of transportation, although no registration fees are assessed against such vessels. The purpose of this Act is to eliminate registration of fishing vessels by the department of land and natural resources and to require payment of registration fees under the Boating Law to the department of transportation. To accomplish this objective, certain sections of chapter 189, Hawaii Revised Statutes, must be repealed and section 267-12, Hawaii Revised Statutes, amended.

SECTION 2. Sections 189-7 and 189-8 and 189-9, Hawaii Revised Statutes are repealed.

SECTION 3. Section 267-12, Hawaii Revised Statutes, is amended to read:

“**Section 267-12 Fees and charges.** The department of transportation shall assess and collect the following fees and charges to be paid by the owners of vessels required to be registered and numbered:

- (1) Registration fee. For the initial registration for the issuance of a certificate:
  - (A) For each vessel less than sixteen feet in length, \$1.
  - (B) For each vessel sixteen feet or more in length, \$3 for the first twelve feet and 25 cents for each additional foot calculated to the nearest foot.
  - (C) For each amphibious vehicle licensed as a motor vehicle, \$3.

\* Edited accordingly.

- (D) For a boat manufacturer or dealer, \$5 for the first vessel and \$1 for each additional vessel sought to be registered per application.
  - (E) Boat livery operator shall be assessed according to items (A) to (C) of this paragraph.
- (2) Annual renewal fee. For the annual renewal of a certificate:
- (A) For each vessel less than sixteen feet in length, \$1.
  - (B) For each vessel sixteen feet or more in length, \$2 for the first twelve feet and 25 cents for each additional foot calculated to the nearest foot.
  - (C) For each amphibious vehicle that is licensed as a motor vehicle, \$2.
  - (D) For a boat manufacturer or dealer, \$3 for the first vessel and \$1 for each additional vessel sought to be registered per application.
  - (E) For a boat livery operator, the amount computed in accordance with the applicable portions of this paragraph, or for an operator applying for the renewal of five or more boats, per application, \$10 for the first five boats and \$1 for each additional boat.
- (3) Reregistration fee. The fee for the reregistration of a vessel, as to which a certificate has been canceled or voided, shall be in the same amount as set out in paragraph (1).
- (4) Transfer fee. A charge of \$2 shall be assessed upon and paid by the new owner for the transfer of a certificate.
- (5) Duplicate certificate fee. The fee of \$1 shall be charged for each duplicate certificate.
- (6) Penalty charges for late registration, etc. One-tenth of the respective fee shall be added to the fee and be charged for each month the owner is late in his registration, renewal, reregistration, or transfer.
- (7) Exemptions. The department may reasonably establish, by rules and regulations, exemptions from the fees required by this section.”

SECTION 4. Statutory material to be repealed is bracketed. In printing this Act, the revisor of statutes may exclude the brackets or the bracketed material.\*

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

(Approved May 17, 1971.)

A Bill for an Act Relating to Tax Credits.

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

SECTION 1. Section 235-56, Hawaii Revised Statutes, is amended by amending subsection (i) to read as follows:

“(i) Tax credits for drug and medical expenses. In addition to the credits provided by this section, a resident taxpayer or resident individual as defined in

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\* Edited accordingly.



subsection (a) may claim tax credits as provided below on account of drug or medical expenses paid during the tax year. For purposes of this subsection, drug and medical expenses mean all expenses allowable in computing the drug and medical deduction for State income tax purposes, or which would have been allowable except for the fact that the expense was compensated by hospital, health, or accident insurance, or except for the fact that an itemized tax return was not filed; provided the transaction causing the expense was subject to the tax imposed by chapters 237 or 238. An itemized list of the expenses shall accompany the claim. All provisions of this section shall be applicable to claims for these tax credits except subsection (c). Each taxpayer may claim tax credits in the amount indicated for each modified adjusted gross income bracket as shown in the schedule below.

Modified Adjusted Gross Income Brackets	Tax Credits
Under \$5,000	4% of drug and medical expenses
\$ 5,000 to \$ 7,999	3% of drug and medical expenses
8,000 to 10,999	2% of drug and medical expenses
11,000 to 13,999	1% of drug and medical expenses,

provided each taxpayer over age sixty-five may claim double the tax credit for each modified adjusted gross income bracket as shown in the above schedule.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect on January 1, 1972.

(Approved May 17, 1971.)

ACT 60

S. B. NO. 1075

A Bill for an Act Relating to the Pan Pacific Education and Communication Experiments Satellite at the University of Hawaii, and Making an Appropriation Therefor.

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

SECTION 1. There is hereby appropriated out of the general revenues of the State of Hawaii the sum of \$75,000, or so much thereof as may be necessary, for planning, demonstration, and evaluation projects to improve communications and increase the efficiency and effectiveness of telecommunications for education, health, agricultural, and nonprofit community development purposes through application of the pan pacific education and communication experiments satellite and other communications technology in Hawaii and the pacific basin.

\* Edited accordingly.

## ACT 61

SECTION 2. The sum appropriated shall be expended by the University of Hawaii for the purposes of this Act.

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

(Approved May 17, 1971.)

## ACT 61

H. B. NO. 50

A Bill for an Act Relating to the Power, Privileges, and Authority of the Chiefs of Police.

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

SECTION 1. Chapter 52, Hawaii Revised Statutes, is amended by adding a new section to read as follows:

**"Sec. 52-17 Powers of chief of police outside of own county.** Notwithstanding any other provision of law to the contrary, the chief of police of each county or any of his subordinates thereunto duly authorized shall have and exercise such powers, privileges, and authority as may be necessary to enforce any of the laws of the State in a county other than the county in and for which he has been appointed if:

- (1) The exercise of such power, privilege, and authority is required in the pursuit of any investigation commenced within the county in and for which he has been appointed, and
- (2) The concurrence of the chief of police of the county in which the power, privilege, and authority sought to be exercised is first obtained."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 17, 1971.)

## ACT 62

H. B. NO. 588

A Bill for an Act Relating to Liquor Tax Law and Amending Section 244-4 of the Hawaii Revised Statutes.

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

SECTION 1. Section 244-4 of the Hawaii Revised Statutes is amended to read as follows:

**"Sec. 244-4. Tax; limitations.** Every person who sells or uses any liquor not taxable under this chapter in respect of the transaction by which such person or his vendor acquired such liquor, shall pay an excise tax which is hereby imposed, equal to twenty percent of the wholesale price of the liquor

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\* Edited accordingly.

so sold or used; provided, that the tax shall be paid only once upon the same liquor; provided, further, that the tax shall not apply to:

- (1) Liquor held for sale by a permittee but not yet sold;
- (2) Liquor sold by one permittee to another permittee;
- (3) Liquor which is neither delivered in the State nor to be used in the State, or which under the Constitution and laws of the United States cannot be legally subjected to the tax imposed by this chapter so long as and to the extent to which the State is without power to impose the tax;
- (4) Liquor sold for sacramental purposes or the use of liquor for sacramental purposes, or any liquor imported pursuant to section 281-33; or
- (5) Alcohol sold pursuant to section 281-37 to a person holding a purchase permit or prescription therefor, or any sale or use of alcohol, so purchased, for other than beverage purposes; or
- (6) Okolehao manufactured in the State for a period of five years."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 17, 1971.)

## ACT 63

H. B. NO. 670

A Bill for an Act Relating to Certain Losses Suffered by Public Institution Workers and Amending Chapter 78, Hawaii Revised Statutes.

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

SECTION 1. Chapter 78, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"Sec. 78— Uniform of institution employee; reimbursement for damage.** Any other law, including section 37-76, to the contrary notwithstanding, any employee of a public institution responsible for the care of patients or inmates shall, upon proof of loss in such manner as prescribed by the director of finance of the State in the case of State employees, or the director of finance of the respective counties, in the case of county employees, be reimbursed for the repair or replacement of his uniform or clothing worn on duty and damaged by the patients or inmates of the institution where he is employed, not to exceed the sum of \$50 per employee per year.

SECTION 2. There is hereby appropriated out of the general revenues of the State the sum of \$2,500 or so much thereof as may be necessary for the fiscal biennium 1971-1973 to provide for reimbursements to State employees as provided in Section 1 of this Act.

\* Edited accordingly.

**ACT 64**

SECTION 3. This Act shall take effect on July 1, 1971.  
(Approved May 17, 1971.)

**ACT 64**

**H. B. NO. 1194**

A Bill for an Act Relating to Capital Improvements.

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

SECTION 1. This Act amends previous authorizations for harbor capital improvement projects, which were to be financed out of harbor revenue bond funds under Act 38, Session Laws of Hawaii 1966, to provide that the governor may use moneys in the harbor special fund to finance those projects. Of projects that were to be financed from harbor revenue bond funds, only projects amounting to \$355,000 remain.

In addition to the foregoing amendment to Act 38, this Act amends item C-10 of section 1 of Act 155, Session Laws of Hawaii 1969, relating to the payment of the third increment of the acquisition of Dillingham properties in Honolulu Harbor. The appropriation consists of reimbursable general obligation bond funds in the amount of \$2,459,000 and an equal amount of non-reimbursable general obligation bond funds. The amendment makes the entire appropriation reimbursable out of the harbor special fund.

SECTION 2. Section 5 of Act 38, Session Laws of Hawaii 1966, is amended to read as follows:

“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 39, Hawaii Revised Statutes, 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. The governor, in his discretion, is authorized to use harbor special funds to finance these projects in section 1 where the method of financing is designated to be by harbor revenue bond funds.”

SECTION 3. Item C-10 of section 1 of Act 155, Session Laws of Hawaii 1969, is amended to read as follows:

“10. Incremental Acquisition of Private  
Properties and Facilities, Honolulu Harbor  
Oahu. 4,918,000”

SECTION 4. This Act shall take effect upon its approval.  
(Approved May 17, 1971.)

**ACT 65**

**H. B. NO. 1228**

A Bill for an Act Exempting Charitable Organizations from Auction Laws.

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

SECTION 1. Section 455-37, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 455-37 Public officers, etc., may sell without license.** Nothing in any law relating to auction licenses shall extend to or affect sales at auction made by the sheriff, deputy sheriff, police officer, poundmaster, tax collector, or other public officer; or by any executor, administrator, guardian, assignee, or other person who is required or authorized by law to sell any property at auction, and who shall under such authority sell such property; or by a charitable organization.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of the statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 17, 1971.)

**ACT 66**

H. B. NO. 1293

A Bill for an Act Making an Appropriation for Repairs and Maintenance of Public Schools.

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

SECTION 1. There is appropriated from moneys in the treasury received from general revenues or general obligation bond funds the sum of \$2,782,887, for the purpose of repairing and maintaining public schools throughout the State during the fiscal biennium beginning July 1, 1971, and ending June 30, 1973.

SECTION 2. Anything in this Act and the law, including chapter 37, to the contrary notwithstanding, the funds authorized by this Act which are unencumbered and unexpended at the close of any fiscal year shall not lapse.

SECTION 3. The sums hereby appropriated shall be expended for the purpose herein specified by the department of accounting and general services.

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

(Approved May 17, 1971.)

**ACT 67**

H. B. NO. 1362

A Bill for an Act to Amend Section 286-54, Hawaii Revised Statutes, Relating to Registration of Motor Vehicles Duly Registered in another State or Country.

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

SECTION 1. The fourth paragraph of Section 286-54 is hereby amended to read as follows:

“No nonresident owner of a motor vehicle which has been duly registered for the current year in the state or country of which he is a resident shall operate

\* Edited accordingly.

## ACT 68

any such vehicle or cause or permit to be operated upon the public highways, either before or while it is registered under this section, unless there is at all times displayed thereon the registration number plates assigned to the vehicle for the current calendar year by the state or country of which the owner is a resident, nor unless the certificate of registration when issued thereto, is placed in a certificate holder and securely fasten the same in plain sight within the driver's compartment of the vehicle for which the certificate is issued, or in the event the vehicle is a motorcycle, carry such certificate of registration in the tool bag or other convenient receptacle attached to the vehicle. The treasurer shall also furnish the owner with an emblem bearing a serial number with the words "VEHICLE PERMIT" and the date of expiration of such emblem to be placed on the rear bumper in plain sight of such vehicle, or when issued to a motorcycle emblem to be placed on rear fender."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing the Act, the revisor of statutes may exclude the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect on January 1, 1972.

(Approved May 17, 1971.)

## ACT 68

S. B. NO. 1

A Bill for an Act Making Appropriations for Research and Development, Investment, and Operating Expenditures for the Fiscal Biennium July 1, 1971 to June 30, 1973 and Authorizing the Issuance of Bonds.

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

### PART I. GENERAL PROVISIONS

SECTION 1. **Short Title.** This act shall be known and may be cited as the General Appropriations Act of 1971.

SECTION 2. **Definitions.** Unless otherwise clear from the context, as used in this act:

(a) "Expending agency" (Exp. Agy.) means the executive department, independent commission, bureau, office, board, or other establishment of the State government (other than the legislature), the political subdivision of the State, or any quasi-public institution supported in whole or in part by State funds, which is authorized to expend specified appropriations made by this act. Abbreviations, where used to denote the expending agency, shall mean the following:

AGR Department of Agriculture  
AGS Department of Accounting & General Services  
ATG Department of Attorney General  
BUF Department of Budget & Finance  
DEF Department of Defense

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\* Edited accordingly.

EDN	Department of Education
GOV	Office of the Governor
HHL	Department of Hawaiian Home Lands
HTH	Department of Health
JUD	Judiciary
LBR	Department of Labor and Industrial Relations
LNR	Department of Land and Natural Resources
LTG	Office of the Lieutenant Governor
PED	Department of Planning & Economic Development
PER	Department of Personnel Services
REG	Department of Regulatory Agencies
SOC	Department of Social Services
TRN	Department of Transportation
TXN	Department of Taxation
UOH	University of Hawaii
COH	County of Hawaii
CCH	City and County of Honolulu
COM	County of Maui
COK	County of Kauai

(b) "Source of funding" means the source from which funds are appropriated, or authorized, as the case may be, to be expended for the programs and projects specified in this act. All appropriations which are not immediately followed by letter symbols enclosed in parentheses shall be funded out of the general revenues of the State. All appropriations followed by letter symbols enclosed by parentheses shall be funded out of sources other than general revenues. Such letter symbols, where used, shall have the following meaning:

- (s) special funds
- (g) general obligation bond fund
- (a) general obligation bond fund with debt service cost to be paid from special funds
- (r) revenue bond funds
- (f) federal funds
- (p) private contributions
- (c) county funds
- (t) trust funds
- (x) other funds

(c) "Position ceiling" means the maximum number of permanent positions that an expending agency is authorized for a particular program during a specified period or periods, as denoted by numerals enclosed in parentheses.

## PART II. PROGRAM APPROPRIATIONS

SECTION 3. **Appropriations.** The following sums, or so much thereof as may be sufficient to accomplish the purposes and programs designated herein, are hereby appropriated or authorized, as the case may be, from the sources of funding specified to the expending agencies designated for the fiscal biennium beginning July 1, 1971 and ending June 30, 1973. The total ex-

**ACT 68**

penditures and the number of positions in each fiscal year of the biennium shall not exceed the sums and the number indicated for each year, except as provided elsewhere in this act.

<b>ECOLOGY, ENVIRONMENT AND RECREATION</b>				<b>Total</b>
	<b>Exp. Agy.</b>	<b>FY 1971-1972</b>	<b>FY 1972-1973</b>	<b>Biennium FY 1971-1973</b>
<b>POLLUTION PREVENTION AND CONTROL</b>				
<b>Environmental Health Administration</b>				
Operating	HTH	(2) 38,024	(2) 38,025	76,049
<b>Air Sanitation</b>				
Operating	HTH	(15) 193,989	(19) 233,575	427,564
<b>Community Noise Control</b>				
Operating	HTH	(7) 84,292	(7) 79,932	164,224
<b>Sanitary Engineering</b>				
Operating	HTH	(14) 199,443	(14) 202,871	402,314
	HTH	(5) 65,100(f)	(5) 65,100(f)	130,200(f)
<b>Sanitation</b>				
Operating	HTH	(62) 778,582	(62) 767,340	1,545,922
Investment: capital	HTH	3,000,000(g)	2,000,000(g)	5,000,000(g)
<b>Vector Control</b>				
Operating	HTH	(100) 867,598	(100) 871,545	1,739,143
	HTH	6,000(t)	6,000(t)	12,000(t)
Investment: capital	AGS	14,000(g)	—	14,000(g)
<b>Environmental Center</b>				
Operating	GOV	(4) 73,000	(4) 73,000	146,000
<b>Office of Environmental Quality Control</b>				
Operating	GOV	(6) 183,284	(6) 185,329	368,613
<b>CONSERVATION</b>				
<b>Fish and Game</b>				
<b>Administration</b>				
Operating	LNR	(6) 112,726 10,600(f)	(6) 89,297 10,600(f)	202,023 21,200(f)
<b>Enforcement</b>				
Operating	LNR	(27) 341,529	(27) 321,215	662,744

Provided, that the sum of \$2,500 for each fiscal year shall be used for the purchase of marine patrol and surveillance equipment.



	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Fisheries Research and Management</b>				
		(17)	(18)	
Operating	LNR	201,691	213,353	415,044
	LNR	33,700(x)	33,700(x)	67,400(x)
	LNR	95,000(f)	95,000(f)	190,000(f)
Investment: capital	COM	—	7,500(g)	7,500(g)
	COM	—	7,500(c)	7,500(c)
	LNR	15,000(g)	—	15,000(g)
	AGR	—	3,000(g)	3,000(g)
<b>Wildlife Research and Management</b>				
		(19)	(19)	
Operating	LNR	114,494	126,793	241,287
	LNR	71,000(x)	71,000(x)	142,000(x)
	LNR	150,000(f)(2)	150,000(f)(2)	300,000(f)
Investment: capital	LNR	50,000(g)	30,000(g)	80,000(g)
<b>Waikiki Aquarium</b>				
		(14)	(14)	
Operating	UOH	159,005	162,673	321,678
<b>Forestry</b>				
<b>Administration</b>				
		(7)	(7)	
Operating	LNR	81,266	80,637	161,903
	LNR	40,800(f)(2)	40,800(f)(2)	81,600(f)
<b>Forest Management</b>				
		(71)	(71)	
Operating	LNR	844,615	832,156	1,676,771
	LNR	86,712(f)	86,712(f)	173,424(f)
Investment: capital	LNR	167,000(g)	72,000(g)	239,000(g)
<p>Provided that a contingency fund of \$5,000 for each fiscal year of the biennium is created for fire suppression purposes. Provided, further, that departmental savings may be used for fire suppression.</p>				
<b>Research</b>				
		(2)	(2)	
Operating	LNR	194,631	150,959	345,590
<b>Soil and Water</b>				
<b>Flood Prevention and Control</b>				
		(3)	(3)	
Operating	LNR	51,562	52,052	103,614
Investment: capital	LNR	650,000(g)	885,000(g)	1,535,000(g)
	LNR	800,000(c)	835,000(c)	1,635,000(c)
	LNR	1,150,000(f)	3,495,000(f)	4,645,000(f)
<b>Soil and Water Conservation Districts</b>				
Operating	LNR	15,050	15,050	30,100
<b>OUTDOOR RECREATION</b>				
<b>State Parks</b>				
		(85.5)	(86.5)	
Operating	LNR	844,922	813,043	1,657,965
Investment: capital	LNR	3,455,000(g)	1,845,000(g)	5,300,000(g)
	COM	50,000(c)	50,000(c)	100,000(c)

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	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Small Boat Harbor</b>				
Operating	TRN	(23.25) 433,036	(23.25) 380,333	813,369
Investment: capital	TRN	2,714,000(g)	2,533,000(g)	5,247,000(g)
	TRN	200,000(f)	684,000(f)	884,000(f)
<b>Outdoor Recreation Projects</b>				
Operating	PED	(1.0) 21,327	(1.0) 21,759	43,086
Investment: capital	PED	—	80,000(g)	80,000(g)
	COM	—	50,000(g)	50,000(g)
	COM	—	50,000(c)	50,000(c)
	PED	1,994,424(f)	1,994,144(f)	3,988,568(f)
<b>Spectator Sports Facilities</b>				
Investment: capital	COM	300,000(g)	210,000(g)	510,000(g)
	COM	300,000(c)	210,000(c)	510,000(c)
	COH	650,000(g)	400,000(g)	1,050,000(g)
	COH	650,000(c)	400,000(c)	1,050,000(c)
	COK	599,000(g)	—	599,000(g)
	COK	598,000(c)	—	598,000(c)

**ECONOMIC DEVELOPMENT**

**AGRICULTURE**

**Marketing and Consumer Services**

**Administration**

Operating	AGR	(5) 72,211	(5) 73,635	145,846
	AGR	5,853(f)	6,147(f)	12,000(f)

Provided, that the sum of \$20,000 per year of the appropriation for the administration program of the Division of Marketing and Consumer Services, shall be for implementation of marketing orders and agreements. Provided, further, that the Chairman shall establish inspection fees to meet part or all of the inspection costs. Provided, further, that the Chairman may employ, by special contract such employees as may be necessary to carry out the provision of the marketing orders and agreements program.

**Commodities**

Operating	AGR	(27) 407,945	(27) 413,347	821,292
	AGR	6,500(x)	6,800(x)	13,300(x)
	AGR	17,829(f)	17,829(f)	35,658(f)

Provided, that the sum of \$6,500 provided for fiscal year 1971-1972 and \$6,800 provided for fiscal year 1972-1973 for Kona coffee inspection shall be contingent on industry meeting not less than one-half of the total inspectional cost through the assessment of appropriate coffee inspection fees.

**Crop and Livestock Reporting Service**

Operating	AGR	(9) 121,481	(9) 126,959	248,440
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**Market News Service**

Operating	AGR	(4) 51,347	(4) 52,587	103,934
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	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Animal Industry</b>				
<b>Administration</b>				
Operating	AGR	(5) 55,495	(5) 59,442	114,937
	AGR	4,766(f)	4,766(f)	9,532(f)
<b>Livestock Disease Control</b>				
Operating	AGR	(9) 207,202	(9) 208,892	416,094
Investment: capital	AGS	751,000(g)	250,000(g)	1,001,000(g)
<b>Veterinary Laboratory</b>				
Operating	AGR	(9) 129,370	(9) 130,402	259,772
<b>Inspection and Quarantine</b>				
Operating	AGR	(35) 612,893	(35) 636,628	1,249,521
<b>Meat and Poultry Inspection</b>				
Operating	AGR	(46) 271,671	(46) 287,774	559,445
	AGR	348,594(f)	360,445(f)	709,039(f)
<p>Provided, that in the event of federal assumption of the State's meat inspection program, general fund appropriation and authorization made for the biennium 1971-1973 for meat inspection activities shall lapse forthwith.</p>				
<b>Meat Grading</b>				
Operating	AGR	9,600	9,800	19,400
	AGR	14,000(t)	15,000(t)	29,000(t)
<b>Plant Industry</b>				
<b>Administration</b>				
Operating	AGR	(5) 55,110	(5) 55,131	110,241
<b>Plant Quarantine Inspection</b>				
Operating	AGR	(34.75) 402,826	(34.75) 408,483	811,309
Investment: capital	AGS	23,000(g)	—	23,000(g)
<b>Entomology</b>				
Operating	AGR	(17) 217,165	(18) 245,375	462,540
	AGR	6,000(f)	6,000(f)	12,000(f)
<b>Weed, Seed and Herbicide</b>				
Operating	AGR	(5.25) 128,517	(5.25) 126,475	254,992
<b>Milk Control</b>				
Operating	AGR	(6) 89,605	(6) 90,784	180,389
<b>Agricultural Loans</b>				
<b>Administration</b>				
Operating	AGR	(7) 148,716(x)	(7) 143,612(x)	292,328(x)

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	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Farm Loan</b>				
Operating	AGR	1,407,000(x)	1,500,000(x)	2,907,000(x)
<b>Cooperative Extension Service</b>				
Operating	UOH	(82.81) 1,549,343 (43.64)	(82.81) 1,605,138 (43.64)	3,154,481
Investment: capital	UOH	538,163(f)	566,791(f)	1,104,954(f)
	AGS	43,000(g)	18,400(g)	61,400(g)
	COM	—	26,250(g)	26,250(g)
	COM	—	26,250(c)	26,250(c)
<b>Hawaii Agricultural Experiment Station</b>				
Operating	UOH	(228.59) 3,608,271 (34.42)	(228.59) 3,741,864 (34.42)	7,350,135
Investment: capital	UOH	507,277(f)	507,277(f)	1,014,554(f)
	AGS	670,000(g)	—	670,000(g)
<p>Provided, that the sum of \$62,000(4) shall be appropriated for the biennium 1971-1973 to the University of Hawaii Agricultural Experiment Station and Cooperative Extension Service for the purpose of continuing the tissue and forage analyses program for diversified crops.</p>				
<b>Administration Department</b>				
Operating	AGR	(24) 349,052	(24) 345,147	694,199
<b>COMMERCE AND BUSINESS</b>				
<b>Foreign Trade Zone</b>				
Operating	PED	(12) 32,539	(12) 7,540	40,079
Investment: capital	PED	230,000(x)	250,000(x)	480,000(x)
	AGS	370,000(g)	—	370,000(g)
<p>Provided that in the foreign trade zone program, permanent employees who do not have tenure in the civil service pursuant to Chapter 76, Hawaii Revised Statutes shall be granted such tenure without loss of salary, seniority, prior service credit, vacation, sick leave or other employee benefits and privileges and without the necessity for examinations, these permanent employees shall be given permanent appointment status to positions as determined to be appropriate by the director of personnel services.</p>				
<b>Small Business Extension Service</b>				
Operating	PED	(2) 21,400	(2) 22,356	43,756
<b>Small Business Loans</b>				
Operating	PED	500,000	500,000	1,000,000
	PED	80,000(x)	85,000(x)	165,000(x)
<b>Industry and Product Promotion</b>				
Operating	PED	232,500	267,500	500,000
<p>Provided, that the appropriation authorized for each fiscal year shall be expended only to the extent such funds are matched by industry; provided, however, that the sum of \$10,000 for fiscal year 1971-1972 and \$5,000 for fiscal year 1972-1973 are appropriated on a non-matching basis to encourage the development of a market for anthuriums, notwithstanding; and provided, further, that anything in this Act and the law, including section 37-41, Hawaii Revised Statutes, to the contrary notwithstanding, any such funds which remain unmatched at the</p>				

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
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close of any fiscal year shall not lapse, shall become available to the expending agency for the promotion of any new and innovative product (only) under the aforementioned matching conditions and subject to the approval of the Governor.

**TOURISM**

**Tourism Advisory Committees**

Operating	PED	2,000	2,000	4,000
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**Tourism Development (HVB)**

Operating	PED	1,842,963	1,842,963	3,685,926
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Provided, that in the tourism promotion program, the expending agency may contract for tourism promotion; and provided, further, that the expending agency shall not engage in tourism promotion other than by contract or contracts.

**Visitor Information Program**

Operating	TRN	(70.25) 637,683(s)	(70.25) 660,129(s)	1,297,812(s)
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**MARINE RESOURCES  
DEVELOPMENT**

Operating	GOV	(1) 74,488	(1) 74,488	148,976
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**INFORMATION SUPPORT SERVICES**

**Economic Research Center**

Operating	UOH	(8) 136,024	(8) 140,949	276,973
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**Science & Technological Information  
Services**

Operating	PED	(3) 79,740	(3) 82,469	162,209
	PED	40,000(f)	50,000(f)	90,000(f)

**Hawaii International Services Agency**

Operating	PED	133,386	152,041	285,427
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**WATER AND LAND DEVELOPMENT**

**Land Use Commission**

Operating	PED	(7) 84,228	(7) 84,712	168,940
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**Land Study Bureau**

Operating	UOH	(8) 126,443	(8) 131,184	257,627
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**Land Management**

Operating	LNR	(29) 346,328	(29) 349,084	695,412
Investment: capital	LNR	2,528,000(g)	2,644,000(g)	5,172,000(g)

**Water and Land Development Admin-  
istration**

Operating	LNR	(6) 81,472	(6) 79,722	161,194
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**Water Resources**

Operating	LNR	(5) 381,032	(5) 378,087	759,119
	LNR	267,000(f)	267,000(f)	534,000(f)
	LNR	12,900(p)	12,900(p)	25,800(p)

**ACT 68**

	<b>Exp. Agy.</b>	<b>FY 1971-1972</b>	<b>FY 1972-1973</b>	<b>Total Biennium FY 1971-1973</b>
Investment: capital	LNR	237,000(g)	343,000(g)	580,000(g)
	LNR	348,000(f)	697,000(f)	1,045,000(f)
<p>Provided, that the sum of \$60,000 in general fund appropriation authorized for each fiscal year for the continuation of the Water Resources Planning Program shall be allotted only to the extent federal matching funds are made available for this purpose.</p>				
<b>Water and Land Project Development</b>				
Operating	LNR	(3) 55,026	(3) 50,771	105,797
<b>Design and Construction</b>				
Investment: capital	LNR	4,232,000(g)	3,475,000(g)	7,707,000(g)
	LNR	180,000(f)	—	180,000(f)
Water Distribution and Maintenance				
<b>Waimanalo Irrigation System</b>				
Operating	LNR	(9) 70,543	(9) 65,117	135,660
	LNR	34,000(x)	34,000(x)	68,000(x)
<b>Waimea Irrigation System</b>				
Operating	LNR	(3) 23,353	(3) 19,757	43,110
	LNR	14,000(x)	14,000(x)	28,000(x)
<b>Molokai Irrigation System</b>				
Operating	LNR	(3) 49,405(x)	(3) 46,534(x)	95,939(x)
<b>PLANNING AND DEVELOPMENT ASSISTANCE</b>				
<b>Community Development Training</b>				
Operating	PED	3,675	3,860	7,535
Investment: capital	COM	20,000(g)	—	20,000(g)
	COM	20,000(c)	—	20,000(c)
<b>Local Planning Assistance</b>				
Operating	PED	(1.5) 21,490	(1.5) 22,014	43,504
Investment: capital	PED	200,000(g)	200,000(g)	400,000(g)
	PED	300,000(f)	380,000(f)	680,000(f)
<b>GENERAL SUPPORT</b>				
<b>Departmental (LNR) Administration</b>				
Operating	LNR	(27) 652,622	(27) 457,421	1,110,043
Investment: capital	AGS	2,473,200(g)	927,500(g)	3,400,700(g)
<p>Provided, that from the FY 1971-72 appropriation for operating purposes, the sum of \$200,000 shall be deposited in the Hawaii fisheries new vessel construction loan fund.</p>				
<b>Planning and Economic Development Service</b>				
Operating	PED	(57.5) 942,627	(57.5) 960,688	1,903,315

EDUCATION AND CULTURE

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>LOWER EDUCATION</b>				
<b>Intellectual Learnings</b>				
<b>Mathematics</b>				
		(7)	(7)	
Research and Development	EDN	50,607 (1083.5)	52,400 (1093.0)	103,007
Operating	EDN	13,267,321	13,775,830	27,043,151
	EDN	225,000(f)	225,000(f)	450,000(f)
Investment: non-capital	EDN	6,600	6,600	13,200
Investment: capital	AGS	3,397,000(g)	1,825,000(g)	5,222,000(g)
<b>Language Arts</b>				
		(24)	(24)	
Research and Development	EDN	139,180 (2998.5)	144,104 (3033.5)	283,284
Operating	EDN	24,198,457	25,926,281	50,124,738
	EDN	12,801,366(f)	12,825,265(f)	25,626,631(f)
	EDN	16,000(s)	16,000(s)	32,000(s)
Investment: non-capital	EDN	1,582,172	318,150	1,900,322
Investment: capital	AGS	7,530,000(g)	4,431,000(g)	11,961,000(g)
Provided, that the sum of \$1,864,022 shall be used to expand the Hawaii English Program.				
<b>Science</b>				
		(4)	(4)	
Research and Development	EDN	352,881 (647)	677,286 (659)	1,030,167
Operating	EDN	7,259,934	7,330,753	14,590,687
	EDN	593,000(f)	592,000(f)	1,185,000(f)
Investment: non-capital	EDN	3,850	3,850	7,700
Investment: capital	AGS	1,736,000(g)	257,000(g)	1,993,000(g)
<b>Foreign Language</b>				
		(1)	(1)	
Research and Development	EDN	8,434 (186)	8,733 (191)	17,167
Operating	EDN	2,229,410	2,291,624	4,521,034
	EDN	6,000(f)	6,000(f)	12,000(f)
Investment: non-capital	EDN	1,100	1,100	2,200
Investment: capital	AGS	718,000(g)	362,000(g)	1,080,000(g)
<b>Social-Personal Learnings</b>				
<b>Health</b>				
		(3)	(3)	
Research and Development	EDN	25,303 (552)	26,200 (566)	51,503
Operating	EDN	6,870,388	7,146,105	14,016,493
	EDN	17,000(f)	17,000(f)	34,000(f)
Investment: non-capital	EDN	3,300	3,300	6,600
Investment: capital	AGS	442,000(g)	257,000(g)	699,000(g)
<b>Music</b>				
		(3)	(3)	
Research and Development	EDN	23,036 (461)	23,783 (472)	46,819
Operating	EDN	5,824,403	6,105,104	11,929,507
	EDN	14,000(f)	14,000(f)	28,000(f)
Investment: non-capital	EDN	2,750	2,750	5,500
Investment: capital	AGS	442,000(g)	872,000(g)	1,314,000(g)

**ACT 68**

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Art</b>				
Research and Development	EDN	(2) 16,869	(2) 17,466	34,335
		(373)	(380)	
Operating	EDN	4,660,882	4,885,843	9,546,725
	EDN	11,000(f)	11,000(f)	22,000(f)
Investment: non-capital	EDN	2,200	2,200	4,400
Investment: capital	AGS	970,000(g)	776,000(g)	1,746,000(g)
<b>Physical Education</b>				
Research and Development	EDN	(3) 25,303	(3) 26,200	51,503
		(553)	(568)	
Operating	EDN	6,991,826	7,328,261	14,320,087
	EDN	17,000(f)	17,000(f)	34,000(f)
Investment: non-capital	EDN	3,300	3,300	6,600
Investment: capital	AGS	1,778,000(g)	1,480,000(g)	3,258,000(g)
<b>Social Studies</b>				
Research and Development	EDN	(9) 63,259	(9) 65,500	128,759
		(1359.5)	(1376)	
Operating	EDN	16,754,747	17,426,987	34,181,734
	EDN	233,000(f)	233,000(f)	466,000(f)
Investment: non-capital	EDN	8,250	8,250	16,500
Investment: capital	AGS	4,535,000(g)	2,267,000(g)	6,802,000(g)
<b>Student Affairs</b>				
Research and Development	EDN	(2) 78,052	(2) 13,100	91,152
	EDN	5,060(f)	—	5,060(f)
		(256.1)	(260.1)	
Operating	EDN	3,431,024	3,730,406	7,161,430
	EDN	473,155(f)	477,784(f)	950,939(f)
	EDN	532,563(s)	588,280(s)	1,120,843(s)
Investment: non-capital	EDN	1,650	1,650	3,300
Investment: capital	AGS	443,000(g)	258,000(g)	701,000(g)
<b>Economic Learnings</b>				
<b>Vocational-Technical</b>				
Research and Development	EDN	(1) 8,434	(1) 8,733	17,167
		(186)	(198)	
Operating	EDN	2,350,803	2,452,528	4,803,331
	EDN	550,000(f)	564,000(f)	1,114,000(f)
	EDN	5,000(s)	5,000(s)	10,000(s)
Investment: non-capital	EDN	1,100	1,100	2,200
<b>Practical Arts</b>				
Research and Development	EDN	(3) 40,970	(3) 32,371	73,341
		(463)	(474)	
Operating	EDN	5,806,469	6,096,516	11,902,985
	EDN	14,000(f)	14,000(f)	28,000(f)
Investment: non-capital	EDN	2,750	2,750	5,500
Investment: capital	AGS	688,000(g)	1,412,000(g)	2,100,000(g)



	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Administration</b>				
<b>State Administration</b>				
		(12)	(12)	
Operating	EDN	444,508	449,495	894,003
	EDN	146,000(f)	146,000(f)	292,000(f)
<b>Staff Services</b>				
		(144)	(144)	
Operating	EDN	2,227,028	2,272,568	4,499,596
	EDN	356,000(f)	357,000(f)	713,000(f)
<b>District/School Administration</b>				
		(10.5)	(10.5)	
Research and Development	EDN	142,908	143,732	286,640
		(1080)	(1110)	
Operating	EDN	12,617,937	13,307,304	25,925,241
Investment: capital	AGS	893,900(g)	866,800(g)	1,760,700(g)
<b>Support</b>				
<b>School Lunch</b>				
		(222)	(225)	
Operating	EDN	5,270,602	5,815,222	11,085,824
	EDN	140,000(f)	140,000(f)	280,000(f)
		(687)	(692)	
Investment: capital	EDN	8,772,000(s)	8,904,000(s)	17,676,000(s)
	AGS	2,829,000(g)	2,688,000(g)	5,517,000(g)
<p>Provided, that the general fund appropriations shall be expended only to the extent necessary to defray any and all costs of operating public school cafeterias in excess of the moneys received from the sale of meals, the sale of services, the federal government, and from any other source.</p>				
<b>Student Transportation</b>				
		(6)	(6)	
Operating	AGS	3,208,723	3,442,746	6,651,469
<p>Provided, that the appropriation for student transportation shall be on a partial or full subsidy basis and shall not be used for any other purpose.</p>				
<b>Repairs and Maintenance</b>				
		(918.5)	(941.5)	
Operating	EDN	5,933,716	6,209,134	12,142,850
		(250)	(250)	
	AGS	6,234,041	6,105,748	12,339,789
<b>Teacher Housing</b>				
		(10.5)	(10.5)	
Operating	SOC	225,668(s)	226,643(s)	452,311(s)
Investment: capital	SOC	80,000(g)	—	80,000(g)
<b>Accreditation</b>				
		(3)	(3)	
Operating	EDN	45,000	45,000	90,000
<b>Hawaii Education Council</b>				
Operating	ATG	5,450	5,450	10,900
<b>Subsidies</b>				
<b>Hawaii Associations for Retarded Children</b>				
Operating	EDN	336,000	336,000	672,000

**ACT 68**

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
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Provided, that the sum of \$336,000 for each fiscal year of the biennium 1971-73 for financial aid to mental retardation associations shall be used on programs for the severely mentally retarded from ages 4 to 20 years and allocated on the basis of \$12,000 per class, per 12-month program and distributed quarterly in advance.

**Special Education Center of Oahu**

Operating	EDN	60,000	60,000	120,000
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Provided, that the sum of \$60,000 for each fiscal year of the biennium 1971-73 for financial aid to the special education center in Honolulu is to be allocated on the basis of \$12,000 per class per 12-month program and distributed quarterly in advance.

Provided, that the department may recruit for and make commitments to fill new certificated instructional positions for the school year 1972-73 and the school year 1973-74.

Provided, further that if a sum less than \$8,500,000 is provided for each fiscal year of the biennium 1971-73 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 \$8,500,000 and the sum so provided is hereby appropriated; and provided, further, that if a sum greater than \$8,500,000 is provided, then this appropriation shall be reduced to the extent the estimated sum of \$8,500,000 is exceeded for each fiscal year of the biennium 1971-73.

Provided, further, that the department may establish and fill additional 3 on 2 positions as follows: 100 three-on-two positions in fiscal year 1971-1972, and an additional 100 three-on-two positions in fiscal year 1972-1973; and provided, further, that funds are allocated for the 125 three-on-two positions authorized by the Regular Session of 1970.

Provided, further, that the sum of \$1,400,000(g) shall be expended to renovate classrooms for additional 200 three-on-two classes.

**HIGHER EDUCATION**

**Manoa Campus**

**Administration**

		(15.50)	(15.50)	
Operating	UOH	804,904	819,992	1,624,896
		(1.00)	(1.00)	
	UOH	19,200(f)	20,160(f)	39,360(f)

**Student Services**

		(133.5)	(133.5)	
Operating	UOH	1,762,922	1,823,921	3,586,843
	UOH	419,336(x)	429,409(x)	848,745(x)
	UOH	440,000(f)	440,000(f)	880,000(f)
		(47.5)	(56.0)	
Investment: capital	UOH	1,128,066(s)	1,504,558(s)	2,632,624(s)
	AGS	523,000(g)	—	523,000(g)
	AGS	5,670,000(r)	6,025,000(r)	11,695,000(r)

**Instruction**

		(1608.39)	(1673.39)	
Operating	UOH	24,108,163	25,705,914	49,814,077
		(5.00)	(5.00)	
	UOH	613,587(f)	618,010(f)	1,231,597(f)
		(11.83)	(11.83)	
Investment: capital	UOH	1,844,956(s)	1,891,408(s)	3,736,364(s)
	AGS	6,546,000(g)	3,334,000(g)	9,880,000(g)
	AGS	—	68,000(f)	68,000(f)

Provided, 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 amounts received is hereby appropriated; provided, further, that if

the federal funds received exceeds the amounts designated, then the general fund appropriation shall be reduced by the amount such receipts exceed the sum estimated; provided, further, that for the fiscal year 1971-1972, any reduction due to such excess receipts may be reallocated and expended by the University with the approval of the governor. Provided, further, that not less than \$91,149(6.0) for 1971-1972 and \$102,327(8.0) for 1972-1973 shall be used for Ethnic Studies.

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Academic Support</b>				
		(305.40)	(310.40)	
Operating	UOH	5,452,212	5,668,923	11,121,135
Investment: capital	AGS	50,000(g)	1,820,000(g)	1,870,000(g)
<b>Operation and Maintenance</b>				
		(267.00)	(277.0)	
Operating	UOH	2,108,210	2,244,260	4,352,470
	UOH	1,018,000(f)	1,018,000(f)	2,036,000(f)
	UOH	202,331(x)	202,331(x)	404,662(x)
<b>Auxiliary Services</b>				
		(48.12)	(48.12)	
Operating	UOH	998,068	1,012,633	2,010,701
		(59.00)	(65.00)	
	UOH	3,609,245(s)	3,943,566(s)	7,552,811(s)
	UOH	7,500(f)	7,500(f)	15,000(f)
	UOH	188,941(x)	188,941(x)	377,882(x)
Investment: capital	AGS	—	106,000(g)	106,000(g)
	AGS	—	4,500,000(r)	4,500,000(r)
<b>Research</b>				
		(291.74)	(292.74)	
Operating	UOH	5,738,264	5,947,259	11,685,523
		(8.50)	(8.50)	
	UOH	241,852(f)	247,737(f)	489,589(f)
Investment: capital	AGS	3,442,000(g)	2,568,000(g)	6,010,000(g)
<b>Hilo College</b>				
<b>Administration</b>				
		(6.0)	(7.0)	
Operating	UOH	173,858	182,544	356,402
Investment: capital	AGS	165,000(g)	—	165,000(g)
<b>Student Services</b>				
		(8.5)	(10.5)	
Operating	UOH	88,881	107,609	196,490
		(2.0)	(2.0)	
	UOH	43,863(s)	77,671(s)	121,534(s)
Investment: capital	AGS	36,000(g)	328,000(g)	364,000(g)
	AGS	1,958,000(r)	632,000(r)	2,590,000(r)
<b>Instruction</b>				
		(75.30)	(96.30)	
Operating	UOH	1,101,787	1,340,345	2,442,132
Investment: capital	AGS	1,050,000(g)	188,000(g)	1,238,000(g)
<b>Academic Support</b>				
		(6.0)	(7.0)	
Operating	UOH	137,698	147,138	284,836
Investment: capital	AGS	—	806,000(g)	806,000(g)

**ACT 68**

	<b>Exp. Agy.</b>	<b>FY 1971-1972</b>	<b>FY 1972-1973</b>	<b>Total Biennium FY 1971-1973</b>
<b>Operations and Maintenance</b>				
Operating	UOH	(8.0) 68,433	(10.0) 85,464	153,897
<b>Auxiliary Services</b>				
Operating	UOH	(1.0) 113,988(s)	(1.0) 142,241(s)	256,229(s)
Honolulu Community College				
<b>Administration</b>				
Operating	UOH	(10.0) 121,695	(11.0) 131,248	252,943
Investment: capital	AGS	750,000(g)	80,000(g)	830,000(g)
<b>Student Services</b>				
Operating	UOH	(15.5) 215,226	(18.0) 239,082	454,308
Investment: capital	AGS	40,000(f) 1,400,000(g)	40,000(f) 150,000(g)	80,000(f) 1,550,000(g)
<b>Instruction</b>				
Operating	UOH	(99.0) 1,529,962	(112.0) 1,729,020	3,258,982
	UOH	121,460(f)	100,000(f)	221,460(f)
	UOH	41,600(s)	42,225(s)	83,825(s)
Investment: capital	AGS	1,375,000(g)	750,000(g)	2,125,000(g)
<b>Academic Support</b>				
Operating	UOH	(19.0) 264,698	(25.0) 369,530	634,228
Investment: capital	AGS	175,000(g)	—	175,000(g)
<b>Operation and Maintenance</b>				
Operating	UOH	(14.0) 187,121	(22.0) 266,771	453,892
Investment: capital	AGS	—	300,000(g)	300,000(g)
<b>Auxiliary Services</b>				
Operating	UOH	(1.0) 96,755(s)	(1.0) 108,488(s)	205,243(s)
Kapiolani Community College				
<b>Administration</b>				
Operating	UOH	(14.0) 204,884	(15.0) 226,249	431,133
<b>Student Services</b>				
Operating	UOH	(13.0) 219,436	(15.0) 244,733	464,169
	UOH	32,000(f)	32,000(f)	64,000(f)
<b>Instruction</b>				
Operating	UOH	(86.0) 1,327,890	(97.0) 1,485,488	2,813,378
	UOH	75,000(f)	75,000(f)	150,000(f)
<b>Academic Support</b>				
Operating	UOH	(11.0) 163,374	(12.0) 177,038	340,412

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Operation and Maintenance</b>				
		(7.0)	(7.0)	
Operating	UOH	111,232	119,312	230,544
Investment: capital	AGS	65,000(g)	55,000(g)	120,000(g)
<b>Auxiliary Services</b>				
		(4.0)	(4.0)	
Operating	UOH	158,925(s)	171,457(s)	330,382(s)
Leeward Community College				
<b>Administration</b>				
		(15.0)	(17.0)	
Operating	UOH	293,197	422,916	716,113
<b>Student Services</b>				
		(31.0)	(34.0)	
Operating	UOH	349,115	398,575	747,690
	UOH	100,000(f)	100,000(f)	200,000(f)
<b>Instruction</b>				
		(150.0)	(161.0)	
Operating	UOH	2,009,282	2,275,668	4,284,950
	UOH	40,000(f)	40,000(f)	80,000(f)
Investment: capital	AGS	1,162,000(g)	1,220,000(g)	2,382,000(g)
<b>Academic Support</b>				
		(22.0)	(23.0)	
Operating	UOH	332,563	359,159	691,722
<b>Operations and Maintenance</b>				
		(31.5)	(48.0)	
Operating	UOH	355,996	507,042	863,038
Investment: capital	AGS	10,000(g)	100,000(g)	110,000(g)
<b>Auxiliary Services</b>				
		(3.0)	(4.0)	
Operating	UOH	352,893(s)	445,182(s)	798,075(s)
Maui Community College				
<b>Administration</b>				
		(7.50)	(10.5)	
Operating	UOH	165,865	197,792	363,657
Investment: capital	AGS	—	316,000(g)	316,000(g)
<b>Student Services</b>				
		(8.5)	(10.5)	
Operating	UOH	150,831	176,330	327,161
		(1.0)	(1.0)	
	UOH	35,500(s)	39,781(s)	75,281(s)
	UOH	27,498(f)	31,623(f)	59,121(f)
Investment: capital	AGS	376,000(r)	—	376,000(r)
<b>Instruction</b>				
		(57.0)	(64.0)	
Operating	UOH	744,610	854,287	1,598,897
	UOH	4,200(s)	4,200(s)	8,400(s)
	UOH	50,000(f)	50,000(f)	100,000(f)
Investment: capital	AGS	15,000(g)	163,000(g)	178,000(g)

**ACT 68**

	<b>Exp. Agy.</b>	<b>FY 1971-1972</b>	<b>FY 1972-1973</b>	<b>Total Biennium FY 1971-1973</b>
<b>Academic Support</b>				
Operating	UOH	(8.0) 108,770	(8.0) 116,704	225,474
<b>Operation and Maintenance</b>				
Operating	UOH	(11.0) 208,058	(15.0) 262,630	470,668
<b>Auxiliary Service</b>				
Operating	UOH	(5.0) 133,220(s)	(6.0) 163,072(s)	296,292(s)
<b>Kauai Community College</b>				
<b>Administration</b>				
Operating	UOH	(8.5) 120,152	(9.5) 125,512	245,664
<b>Student Services</b>				
Operating	UOH	(7.5) 124,469	(8.5) 131,519	255,988
	UOH	20,000(f)	20,000(f)	40,000(f)
<b>Instruction</b>				
Operating	UOH	(26.0) 365,172	(30.0) 422,352	787,524
	UOH	6,000(s)	6,000(s)	12,000(s)
	UOH	30,000(f)	30,000(f)	60,000(f)
Investment: capital	AGS	85,000(g)	—	85,000(g)
<b>Academic Support</b>				
Operating	UOH	(3.0) 64,571	(3.0) 66,519	131,090
<b>Operation and Maintenance</b>				
Operating	UOH	(4.0) 42,895	(4.0) 44,034	86,929
<b>Auxiliary Services</b>				
Operating	UOH	(.50) 26,043(s)	(.50) 31,310(s)	57,353(s)
<b>Hawaii Community College</b>				
<b>Administration</b>				
Operating	UOH	(4.0) 77,358	(6.0) 93,125	170,483
<b>Student Services</b>				
Operating	UOH	(3.75) 44,640	(6.83) 82,515	127,155
	UOH	30,000(f)	30,000(f)	60,000(f)
<b>Instruction</b>				
Operating	UOH	(37.0) 641,548	(41.0) 716,790	1,358,338
	UOH	(10.0) 160,000(f)	(10.0) 160,000(f)	320,000(f)
Investment: capital	AGS	218,000(g)	470,000(g)	688,000(g)
<b>Academic Support</b>				
Operating	UOH	(7.0) 77,833	(8.0) 83,932	161,765

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Operating and Maintenance</b>		(3.0)	(5.0)	
Operating	UOH	57,724	68,502	126,226
Investment: capital	AGS	732,000(g)	—	732,000(g)
<b>Manpower Development and Training</b>				
<b>Administration</b>		(4.0)	(4.0)	
Operating	UOH	102,970	109,986	212,956
		(12.0)	(12.0)	
	UOH	126,477(f)	131,352(f)	257,829(f)
<b>Instruction</b>				
Operating	UOH	800,250(f)	858,521(f)	1,658,771(f)
<b>Hoomana</b>				
<b>Instruction</b>		(11.0)	(11.0)	
Operating	UOH	166,823	186,942	353,765
	UOH	34,027(f)	34,027(f)	68,054(f)
<b>Windward Community College</b>				
<b>Administration</b>		(3.0)	(5.0)	
Operating	UOH	51,036	76,497	127,533
<b>Student Services</b>		(1.5)	(3.0)	
Operating	UOH	17,700	36,900	54,600
<b>Instruction</b>		(1.5)	(27.0)	
Operating	UOH	19,500	337,800	357,300
<b>Academic Support</b>		(1.5)	(5.0)	
Operating	UOH	29,100	144,700	173,800
<b>Operation and Maintenance</b>				
Operating	UOH	1,400	65,900	67,300
<b>East Honolulu Community College</b>				
<b>Administration</b>		(2.0)	(4.0)	
Operating	UOH	41,300	70,000	111,300
<b>Student Service</b>		(1.5)	(2.0)	
Operating	UOH	17,700	25,000	42,700
<b>Instruction</b>		(1.5)	(17.0)	
Operating	UOH	19,600	200,000	219,600
Investment: capital	AGS	—	500,000(g)	500,000(g)
<b>Academic Support</b>		(1.5)	(3.0)	
Operating	UOH	20,000	55,000	75,000
<b>Operation and Maintenance</b>				
Operating	UOH	1,400	35,000	36,400
<b>Statewide Academic Planning</b>				

**ACT 68**

	<b>Exp. Agy.</b>	<b>FY 1971-1972</b>	<b>FY 1972-1973</b>	<b>Total Biennium FY 1971-1973</b>
<b>Administration</b>				
		(3.5)	(6.0)	
Operating	UOH	75,000	150,000	225,000
Investment: capital	UOH	200,000(g)	—	200,000(g)
<b>Institutional Direction &amp; Support</b>				
<b>Office of the President</b>				
		(8.0)	(8.0)	
Operating	UOH	179,595	186,257	365,852
<b>Secretary of the UH &amp; Secretary to the BOR</b>				
		(8.0)	(8.0)	
Operating	UOH	134,865	140,342	275,207
<b>All University Council</b>				
		(1.0)	(1.0)	
Operating	UOH	10,294	10,652	20,946
<b>Statewide Administration-Student Services</b>				
		(8.25)	(8.25)	
Operating	UOH	176,772	187,971	364,743
<p>Provided, that the sum of \$40,000(2.0) for each of the fiscal years of the biennium shall be used for the purpose of initiating programs for disadvantaged students. Provided, further, that the sum of \$46,000, or so much thereof as may be necessary for each of the fiscal years of the biennium shall be used for the "Emergency Housing Program".</p>				
<b>Fiscal Services</b>				
		(78.0)	(78.0)	
Operating	UOH	964,792	991,361	1,956,153
	UOH	90,958(f)	97,324(f)	188,282(f)
<b>Planning &amp; Budgeting</b>				
		(48.0)	(48.0)	
Operating	UOH	724,297	734,243	1,469,540
	UOH	200,000(f)	200,000(f)	400,000(f)
	UOH	55,880(f)	59,791(f)	115,671(f)
<b>Statistical &amp; Computing Center</b>				
		(27.0)	(27.0)	
Operating	UOH	1,167,858	1,194,578	2,362,436
	UOH	215,000(t)	215,000(t)	430,000(t)
<b>Vice-President—Business Affairs</b>				
		(12.0)	(12.0)	
Operating	UOH	238,002	248,446	486,448
	UOH	200,000(f)	200,000(f)	400,000(f)
Investment: capital	UOH	250,000(g)	150,000(g)	400,000(g)
	AGS	1,050,000(g)	1,050,000(g)	2,100,000(g)
<b>University Ombudsman</b>				
		(3.0)	(3.0)	
Operating	UOH	47,134	49,015	96,149
<b>Personnel Services</b>				
		(22.0)	(23.0)	
Operating	UOH	213,480	236,037	449,517
	UOH	30,602(f)	32,744(f)	63,346(f)



	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Community Colleges Governance</b>				
<b>General Administration</b>				
Operating	UOH	(22.0) 436,690	(22.0) 443,498	880,188
<b>Vocational Education Administration</b>				
Operating	UOH	(9.0) 176,633	(9.0) 178,643	355,276
	UOH	55,000(f)	55,000(f)	110,000(f)
<b>Chancellor—UH at Hilo</b>				
Operating	UOH	(4.0) 124,277	(4.0) 128,394	252,671
<b>CONTINUING EDUCATION</b>				
<b>Instruction</b>				
<b>General Studies (College of Continuing Education &amp; Community Service)</b>				
Operating	UOH	(22.0) 424,387	(22.0) 440,443	864,830
	UOH	(7.0) 162,120(f)	(7.0) 167,936(f)	330,056(f)
	UOH	(26.0) 1,022,389(s)	(26.0) 1,038,637(s)	2,061,026(s)
<b>Advanced Management Program</b>				
Operating	UOH	(1.0) 164,575(s)	(1.0) 170,510(s)	335,085(s)
<b>Small Business Management Program</b>				
Operating	UOH	(2.0) 24,199	(2.0) 25,102	49,301
	UOH	58,983(s)	79,243(s)	138,226(s)
<b>Adult Education</b>				
Operating	EDN	(19) 953,554	(19) 997,274	1,950,828
	EDN	(1) 324,000(f)	(1) 333,000(f)	657,000(f)
	EDN	(1) 119,000(s)	(1) 119,000(s)	238,000(s)
<b>Special Programs</b>				
<b>Office of Special Services for Continuing Education</b>				
Operating	UOH	(3.0) 37,509	(3.0) 38,894	76,403
<b>International Programs</b>				
Operating	UOH	(4.0) 85,519	(4.0) 88,256	173,775
<b>Institute of Technical Interchange</b>				
Operating	GOV	3,500	3,500	7,000
<b>Western Inter-State Commission on Higher Education</b>				
Operating	GOV	177,450	232,150	409,600
<b>Student Loan Fund</b>				
Operating	BUF	50,000	50,000	100,000

**ACT 68**

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Center for Cross-Cultural Training and Research</b>				
Operating	UOH	(6.2) 145,892(f)	(6.2) 149,596(f)	295,488(f)
Public Service				
<b>Hawaii ETV Net-Work</b>				
Operating	UOH	(31.0) 654,434	(31.0) 672,075	1,326,509
Investment: capital	AGS	934,000(g)	—	934,000(g)
<b>Leahi Hospital</b>				
Operating	UOH	(388.25) 1,531,422	(388.25) 1,620,741	3,152,163
	UOH	2,285,637(x)	2,334,342(x)	4,619,979(x)
Investment: capital	AGS	716,000(g)	176,000(g)	892,000(g)
<b>Public Library Service</b>				
Research and Development	EDN	(7) 98,953	—	98,953
		(459.2)	(485.2)	
Operating	EDN	4,897,452	5,286,003	10,165,455
	EDN	250,000(f)	250,000(f)	500,000(f)
<b>PROMOTION OF CULTURE AND THE ARTS</b>				
<b>State Foundation on Culture and the Arts</b>				
Operating	BUF	(4) 153,765	(4) 131,876	285,641
	BUF	87,500(f)	111,000(f)	198,500(f)
	BUF	209,602(x)	100,000(x)	309,602(x)
Promotion of Hawaiiana				
<b>Kamehameha Day Celebration Commission</b>				
Operating	AGS	20,900	20,900	41,800
Provided, that the sum of \$41,800 appropriated for the biennium to the Kamehameha Day Celebration shall be allocated in the following manner in each fiscal year: City and County of Honolulu, \$10,200; County of Hawaii, \$5,100; County of Kauai, \$2,540; and County of Maui, \$3,060.				
<b>Preservation &amp; Study of Hawaiian Language, Arts and Culture</b>				
Operating	UOH	(1) 28,363	(1) 28,842	57,205
<b>GOVERNMENT DIRECTION AND SUPPORT SERVICES</b>				
<b>ACCOUNTING AND GENERAL SERVICES</b>				
<b>Departmental Administration</b>				
Operating	AGS	(25) 375,770	(25) 356,785	732,555
Investment: capital	AGS	215,700(g)	69,600(g)	285,300(g)

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Accounting</b>				
<b>Pre-Audit</b>				
Operating	AGS	(17) 191,522	(17) 205,333	396,855
Investment: capital	AGS	167,100(g)	62,600(g)	229,700(g)
<b>Uniform Accounting and Reporting</b>				
Operating	AGS	(7) 86,940	(7) 88,484	175,424
Investment: capital	AGS	352,700(g)	132,200(g)	484,900(g)
<b>Systems Accounting</b>				
Operating	AGS	(7) 96,136	(7) 97,539	193,675
<b>Computer Center No. 1</b>				
Operating	AGS	(26) 261,520	(26) 266,379	527,899
	AGS	52,000(x)	52,000(x)	104,000(x)
Investment: capital	AGS	779,700(g)	292,300(g)	1,072,000(g)
<b>Internal Post Audit</b>				
Operating	AGS	(14) 223,392	(14) 230,613	454,005
<b>Public Works Administration</b>				
Operating	AGS	(22) 279,100	(22) 280,874	559,974
Investment: capital	AGS	1,596,700(g)	620,500(g)	2,217,200(g)
<b>Purchasing and Supply</b>				
<b>Central Purchasing</b>				
Operating	AGS	(14) 142,192	(14) 145,030	287,222
Investment: capital	AGS	315,700(g)	118,300(g)	434,000(g)
<b>Inventory Management</b>				
Operating	AGS	(1) 10,975	(1) 10,963	21,938
<b>Federal Surplus Property</b>				
Operating	AGS	(7) 86,002(x)	(7) 86,678(x)	172,680(x)
<b>State Surplus Property</b>				
Operating	AGS	9,202(x)	9,882(x)	19,084(x)
Investment: capital	AGS	—	220,000(g)	220,000(g)
<b>Statewide Information System</b>				
Operating	BUF	(113) 3,676,221	(113) 3,883,257	7,559,478
Investment: capital	AGS	1,236,800(g)	463,800(g)	1,700,600(g)

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 statewide data processing system.

**ACT 68**

**CENTRAL GOVERNMENT  
OPERATIONS**

	<b>Exp. Agy.</b>	<b>FY 1971-1972</b>	<b>FY 1972-1973</b>	<b>Total Biennium FY 1971-1973</b>
<b>Archives</b>				
<b>Records Service</b>				
		(13.75)	(13.75)	
Operating	AGS	122,752	125,591	248,343
Investment: Capital	AGS	—	500,000(g)	500,000(g)
<b>Records Management</b>				
		(7.25)	(7.25)	
Operating	AGS	65,008	66,541	131,549
<b>Captain Cook Memorial</b>				
Operating	AGS	500(s)	500(s)	1,000(s)
<b>Insurance Management</b>				
<b>Administration</b>				
Operating	AGS	860	910	1,770
<b>Automobile Fleet Coverage</b>				
Operating	AGS	47,640	50,010	97,650
	AGS	38,970(s)	40,930(s)	79,900(s)
<b>Comprehensive Crime Coverage</b>				
Operating	AGS	—	35,200	35,200
<b>Workmen's Compensation</b>				
Operating	AGS	493,750	519,190	1,012,940
	AGS	215,000(s)	225,000(s)	440,000(s)
<b>Fire and Other Casualties</b>				
Operating	AGS	288,750	303,190	591,940
<b>Automotive Management</b>				
<b>Parking Control</b>				
		(11.0)	(11.0)	
Operating	AGS	220,498(x)	221,877(x)	442,375(x)
Investment: capital	AGS	1,606,000(g)	139,000(g)	1,745,000(g)
	AGS	—	2,597,000(r)	2,597,000(r)
<b>Motor Pool</b>				
		(8.5)	(8.5)	
Operating	AGS	173,465(x)	162,852(x)	336,317(x)
<b>Land Surveying</b>				
		(31.0)	(31.0)	
Operating	AGS	382,596	374,597	757,193
Investment: capital	AGS	538,400(g)	201,800(g)	740,200(g)
<b>Central Service</b>				
<b>Custodial Service</b>				
		(128.5)	(129.5)	
Operating	AGS	1,399,928	1,427,690	2,827,618
	AGS	126,911(s)	128,205(s)	255,116(s)
<b>Grounds Maintenance</b>				
		(35.5)	(35.5)	
Operating	AGS	240,968	252,561	493,529
<b>Security Service</b>				
		(11.0)	(11.0)	
Operating	AGS	77,054	77,123	154,177

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Telephone Service</b>				
Operating	AGS	(13.0) 672,884	(13.0) 687,537	1,360,421
<b>Central Messenger Service</b>				
Operating	AGS	(5.0) 36,354	(5.0) 29,931	66,285
<b>Building Repair and Alterations</b>				
Operating	AGS	(29.0) 678,058	(29.0) 637,128	1,315,186
Investment: capital	AGS	60,000(g)	948,000(g)	1,008,000(g)
<b>FINANCIAL MANAGEMENT</b>				
Taxation				
<b>Headquarters Administration</b>				
Operating	TXN	(41) 674,710	(41) 690,768	1,365,478
Investment: capital	AGS	—	23,200(g)	23,200(g)
<b>Property Technical</b>				
Operating	TXN	(29) 307,556	(29) 312,588	620,144
<b>Systems and Procedures</b>				
Operating	TXN	(21) 361,118	(21) 371,965	733,083
<b>Field Administration</b>				
Operating	TXN	(15) 239,396	(15) 237,546	476,942
<b>Property Assessment</b>				
Operating	TXN	(75) 791,203	(76) 806,528	1,597,731
<b>Income Assessment and Audit</b>				
Operating	TXN	(154) 1,586,489	(154) 1,607,157	3,193,646
<b>Collections</b>				
Operating	TXN	(65.5) 614,328	(65.5) 614,212	1,228,540
<b>Tax Appeals Review</b>				
Operating	TXN	7,925	7,925	15,850
Budget and Finance				
<b>Departmental Administration</b>				
Operating	BUF	(6) 144,774	(6) 145,334	290,108
<b>Budget Services</b>				
Operating	BUF	(28) 339,333	(28) 348,159	687,492
<b>Program Evaluation</b>				
Operating	BUF	(16) 386,170	(16) 374,687	760,857
<b>Management Services</b>				
Operating	BUF	(9) 120,652	(9) 123,892	244,544

**ACT 68**

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Provided, that a sum not to exceed \$30,000 for the biennium from the amounts appropriated to Budget and Finance may be expended to design and develop a computerized data bank on private and public construction.				
<b>Cash and Debt Management</b>				
Operating		(10)	(10)	
	BUF	136,348	137,010	273,358
	BUF	15,000(s)	15,000(s)	30,000(s)
<b>Public Debt Service</b>				
Operating	BUF	128,871	132,861	261,732
<b>Bonded Debt</b>				
Operating	BUF	43,351,607	50,431,113	93,782,720
<b>Veterans Loan</b>				
Operating	BUF	695,288	671,982	1,367,270
		(2)	(2)	
	BUF	1,012,270(s)	992,331(s)	2,004,601(s)

**EXECUTIVE DIRECTION AND SUPPORT**

**Governor's Office**

Operating	GOV	(24) 672,728	(24) 581,212	1,253,940
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Provided, that the appropriation for the governor's office shall be expended at the discretion of the governor.

Provided, further, that the Governor is responsible for the effective coordination of the various federal programs and for the acquisition of available federal grants which will be of benefit to the state. In carrying out this function, maximum use should be made of congressional delegations and their staffs.

Provided, further, that the sum of \$20,000 appropriated for the Commission on Marine Science, Engineering and Resources may be used to supply supplemental staff assistance to Hawaii's member on the Commission on Marine Science, Engineering and Resources with the understanding that all or a substantial part of the amount will be matched by private funds. The basic purpose of such staff will be to identify and develop oceanographic research and development opportunities for the state, including programs or grants available to the University of Hawaii and other public or private agencies eligible under Public Law 89-688 and related legislation. Provided, further, that such amount and balance of said appropriation not needed for the Commission on Marine Science, Engineering and Resources may be expended by the Governor for the coordination of oceanographic research, recreation and development.

**Washington Place**

Operating	GOV	(8) 111,554	(8) 116,586	228,140
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Provided, that the appropriation for Washington Place shall be expended at the discretion of the governor.

**Governor's Contingent Fund**

Operating	GOV	100,000	100,000	200,000
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Provided, 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 shall be submitted to the legislature 20 days prior to the regular session of the legislature convening in 1973.

**Project Adjustment Fund**

Investment: capital	GOV	3,000,000(g)	3,000,000(g)	6,000,000(g)
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Provided, that the sum of \$6,000,000 or so much thereof as may be necessary, shall be used for project adjustment purposes as provided in Part V of this Act.

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Lt. Governor's Office</b>				
Operating	LTG	(7) 153,881	(7) 157,878	311,759
Provided, that the appropriation for the lieutenant governor's office shall be expended at the discretion of the lieutenant governor.				
<b>LEGISLATIVE SUPPORT</b>				
<b>Legislative Reference Bureau</b>				
Operating	UOH	(21) 522,477	(21) 462,990	985,467
Provided, that the sum of \$80,000 or so much thereof as may be necessary appropriated in fiscal year 1971-72, shall be used to conduct a study on the education of children with learning disabilities. Provided further, that the Legislative Reference Bureau may hire persons on contract, without regard to Chapters 76 and 77, Hawaii Revised Statutes, to provide aid in typing and other preparation of reports, bills and resolutions.				
<b>Statute Revision</b>				
Operating	JUD	(5) 134,374	(5) 145,262	279,636
<b>HEALTH</b>				
<b>CHILDREN'S HEALTH SERVICES</b>				
Statewide Services				
<b>Crippled Children</b>				
Operating	HTH	(25.5) 558,620	(28.5) 611,837	1,170,457
	HTH	(14.5) 217,319(f)	(14.5) 216,555(f)	433,874(f)
Investment: capital	AGS	253,000(g)	1,112,000(g)	1,365,000(g)
<b>Maternal &amp; Child Health</b>				
Operating	HTH	(4) 127,634	(4) 129,648	257,282
	HTH	(7) 138,705(f)	(9) 192,822(f)	331,527(f)
<b>Learning Disability Clinic</b>				
Operating	HTH	(7) 139,485	(7) 139,780	279,265
Area Specific Projects				
<b>Maternity &amp; Infant Care (Maile-Nanakuli-Waianae, Waimanalo, Keaukaha)</b>				
Operating	HTH	155,036	157,217	312,253
	HTH	(28.5) 465,108(f)	(28.5) 471,650(f)	936,758(f)
<b>Children &amp; Youth (Waimanalo)</b>				
Operating	HTH	109,325	113,812	223,137
	HTH	(23) 359,817(f)	(23) 364,619(f)	724,436(f)
<b>School Health Services (six school complexes)</b>				
Operating	HTH	(8) 401,585	(8) 414,420	816,005
	HTH	(2) 22,543(f)	(2) 23,208(f)	45,751(f)

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	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Subsidized Projects</b>				
<b>Pre-school Program (Variety Club School)</b>				
Operating	HTH	50,000	50,000	100,000
<b>Services to Children of Guam, American Samoa &amp; the Trust Territories</b>				
Operating	HTH	(3) 170,675(f)	(3) 170,879(f)	341,554(f)
<b>Administration</b>				
Operating	HTH	(8) 121,798	(8) 123,754	245,552
	HTH	(2) 23,039(f)	(2) 24,185(f)	47,224(f)
<b>COMMUNICABLE DISEASE</b>				
<b>Epidemiology</b>				
Operating	HTH	(6) 193,772	(6) 203,331	397,103
	HTH	(6) 76,900(f)	(6) 78,028(f)	154,928(f)
<b>Tuberculosis Control &amp; Treatment</b>				
<b>Casefinding &amp; Out-patient Clinics</b>				
Operating	HTH	(29) 456,927	(29) 406,996	863,923
	HTH	(12) 133,795(f)	(12) 127,235(f)	261,030(f)
Investment: capital	AGS	30,000(g)	—	30,000(g)
<b>Leprosy Control &amp; Treatment</b>				
<b>Out-patient and Special Services</b>				
Operating	HTH	(3) 55,091	(3) 55,839	110,930
<b>Hale Mohalu Hospital</b>				
Operating	HTH	(45) 570,381	(45) 584,949	1,155,330
<b>Kalaupapa Settlement</b>				
Operating	HTH	(64) 1,060,722	(64) 981,425	2,042,147
Investment: capital	AGS	50,000(g)	802,000(g)	852,000(g)
<b>Kalaupapa Store</b>				
Operating	HTH	84,000(s)	84,000(s)	168,000(s)
<p>Provided, that of the appropriation made to out-patient and special services, Hale Mohalu Hospital, and Kalaupapa Settlement, \$1,200,000 for each fiscal year shall be reimbursed from federal receipts.</p>				
<b>Administration</b>				
Operating	HTH	(7) 92,478	(7) 92,956	185,434
	HTH	(1) 14,811(f)	(1) 15,548(f)	30,359(f)



	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>DENTAL HEALTH</b>				
<b>Dental Hygiene</b>				
Operating	HTH	(40) 349,989	(40) 355,953	705,942
<b>Hospital Dentistry and Community Service</b>				
Operating	HTH	(12) 152,216	(12) 155,849	308,065
Investment: capital	HTH AGS	(1.2) 14,014(f) 63,000(g)	(1.2) 14,014(f) 80,000(g)	28,028(f) 143,000(g)
<b>Administration</b>				
Operating	HTH	(4) 53,326	(4) 54,145	107,471
Subsidies to Private Dental Clinics				
<b>Strong-Carter Dental Clinic</b>				
Operating	HTH	5,000	5,000	10,000
<b>MEDICAL HEALTH SERVICES</b>				
<b>Chronic Disease Prevention &amp; Control</b>				
Operating	HTH	(2) 366,583	(2) 362,557	729,140
	HTH	(3) 31,577(f)	(3) 31,902(f)	63,479(f)
<b>Hospital &amp; Medical Facilities and Medicare</b>				
Operating	HTH	(5) 68,528	(5) 69,244	137,772
	HTH	(12) 163,638(f)	(12) 168,876(f)	332,514(f)
<b>Injury Control</b>				
Operating	HTH	(8) 136,862(f)	(8) 139,384(f)	276,246(f)
<b>Laboratory Services</b>				
Operating	HTH	(44) 520,534	(44) 547,358	1,067,892
Investment: capital	HTH AGS	(7) 71,550(f) —	(7) 73,434(f) 360,000(g)	144,984(f) 360,000(g)
<b>Nutrition</b>				
Operating	HTH	(5) 56,622	(5) 57,216	113,838
	HTH	(2) 29,035(f)	(2) 29,513(f)	58,548(f)
<b>Public Health Nursing</b>				
Operating	HTH	(104) 1,224,298	(104) 1,251,202	2,475,500
Investment: capital	HTH AGS	(14) 159,987(f) 155,000(g)	(14) 161,176(f) 80,000(g)	321,163(f) 235,000(g)

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	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Administration</b>				
Operating	HTH	(3) 51,016	(3) 50,424	101,440
<b>MENTAL HEALTH</b>				
<b>Preventive &amp; Clinical Services</b>				
Operating	HTH	(141) 2,249,410	(141) 2,335,574	4,584,984
Investment: capital	HTH AGS	(7) 221,584(f) 463,000(g)	(7) 165,702(f) 1,378,000(g)	387,286(f) 1,841,000(g)
<b>Hawaii State Hospital</b>				
<b>Administration</b>				
Operating	HTH	(26) 261,472	(26) 264,477	525,949
<b>Patient Care</b>				
Operating	HTH	(368) 3,795,227	(368) 3,836,022	7,631,249
Investment: capital	HTH AGS	(9) 117,865(f) 29,000(g)	(9) 121,494(f) 426,000(g)	239,359(f) 455,000(g)
<b>Plant Operations</b>				
Operating	HTH	(56) 713,392	(56) 634,213	1,347,605
Investment: capital	AGS	4,000(g)	—	4,000(g)
<b>Food Service</b>				
Operating	HTH	(51) 651,809	(51) 632,328	1,284,137
Provided, that the appropriation is intended for an average daily in-patient population of 575 for fiscal year 1971-72 and 525 for fiscal year 1972-73.				
<b>Subsidized Projects</b>				
<b>Methadone Treatment (John Howard Society)</b>				
Operating	HTH	44,309	46,792	91,101
	HTH	18,000(s)	18,000(s)	36,000(s)
<b>Detoxification Center (Salvation Army)</b>				
Operating	HTH	101,450	103,380	204,830
	HTH	1,800(s)	1,800(s)	3,600(s)
<b>Administration</b>				
Operating	HTH	(8) 106,769	(8) 108,429	215,198
	HTH	(1.5) 15,356(f)	(1.5) 15,937(f)	31,293(f)
<b>MENTAL RETARDATION</b>				
<b>Mental Retardation Special Project</b>				
Operating	HTH	(2) 16,727	(2) 17,565	34,292
	HTH	(9) 202,016(f)	(9) 203,588(f)	405,604(f)

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Waimano Training School &amp; Hospital</b>				
<b>Administration</b>				
Operating	HTH	(4) 60,319	(4) 60,539	120,858
<b>Hospital Improvement Program I</b>				
Operating	HTH	(1) 5,806	(1) 6,094	11,900
	HTH	(4) 47,500(f)	(4) 42,816(f)	90,316(f)
<b>Hospital Improvement Program II</b>				
Operating	HTH	(6) 53,748	(6) 55,141	108,889
	HTH	(3) 36,659(f)	(3) 37,530(f)	74,189(f)
<b>Cottage Life</b>				
Operating	HTH	(166) 1,318,486	(166) 1,333,607	2,652,093
<b>Institutional Facilities</b>				
<b>Administration</b>				
Operating	HTH	(11) 123,573	(11) 122,134	245,707
<b>Food Service</b>				
Operating	HTH	(42) 680,303	(42) 687,336	1,367,639
<b>Maintenance and Production</b>				
Operating	HTH	(45) 635,655	(45) 614,470	1,250,125
Investment: capital	AGS	67,000(g)	—	67,000(g)
<b>Medical &amp; Hospital Services</b>				
Operating	HTH	(95.4) 932,201	(95.4) 943,845	1,876,046
<b>Social Service &amp; Placement</b>				
Operating	HTH	(19) 237,733	(19) 240,789	478,522
<b>Training</b>				
Operating	HTH	(22.5) 200,853	(22.5) 204,000	404,853
	HTH	(2) 22,500(f)	(2) 22,500(f)	45,000 (f)
<b>Extramural Activities</b>				
Operating	HTH	(1) 111,245	(1) 115,338	226,583
Provided, that the appropriation is intended for an average daily ward population of 787 for the biennium 1971-73.				
<b>Subsidized Projects</b>				
<b>Hale Hauoli—Adult Day Treatment Center—(Maui Association to Help Retarded Children)</b>				
Operating	HTH	32,006	34,038	66,044
	HTH	8,305(f)	5,750(f)	14,055(f)
	HTH	300(p)	300(p)	600(p)

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		Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Provided, that of the sum appropriated, \$7,599 in fiscal year 1971-72 and \$7,076 in fiscal year 1972-73 is for a para-medical position for the J. Walter Cameron Center.					
<b>PUBLIC (STATE/COUNTY)</b>					
<b>HOSPITALS</b>					
<b>Maluhia Hospital</b>					
			(176)	(177)	
Operating	HTH	1,732,253		1,730,403	3,462,656
Investment: capital	AGS	1,600,000(g)		100,000(g)	1,700,000(g)
Provided, that of the general fund appropriated, \$35,000 in fiscal year 1971-72 shall be expended for the purchase of an x-ray unit only if the City and County of Honolulu relocates its emergency health services unit; provided, further, that the authorization to purchase the x-ray unit may be extended to fiscal year 1972-73 and expended only upon the aforesaid condition.					
<b>Hilo Hospital</b>					
			(431.95)	(431.95)	
Operating	HTH	1,428,983		1,858,760	3,287,743
	HTH	3,766,000(s)		3,766,000(s)	7,532,000(s)
Investment: capital	AGS	601,000(g)		—	601,000(g)
<b>Honokaa Hospital</b>					
			(40)	(40)	
Operating	HTH	493,549		487,027	980,576
<b>Kohala Hospital</b>					
			(29)	(29)	
Operating	HTH	306,255		297,725	603,980
<b>Kona Hospital</b>					
			(51)	(51)	
Operating	HTH	623,492		667,367	1,290,859
Investment: capital	AGS	3,000,000(g)		—	3,000,000(g)
<b>Ka'u Hospital</b>					
			(31)	(31)	
Operating	HTH	329,264		352,056	681,320
Provided, that any provision in this Act to the contrary notwithstanding transfers between the amounts appropriated for operating purposes for the Hilo Hospital, the Honokaa Hospital, the Kohala Hospital, the Kona Hospital, and the Ka'u Hospital shall be allowed.					
<b>Kula Sanatorium &amp; General Hospital</b>					
			(186)	(186)	
Operating	HTH	1,167,278		1,178,666	2,345,944
	HTH	922,000(s)		922,000(s)	1,844,000(s)
Investment: capital	AGS	—		545,000(g)	545,000(g)
<b>Maui Memorial Hospital</b>					
			(244.5)	(244.5)	
Operating	HTH	975,801		1,015,336	1,991,137
	HTH	2,300,000(s)		2,300,000(s)	4,600,000(s)
Investment: capital	AGS	25,000(g)		1,790,000(g)	1,815,000(g)
<b>Hana Medical Center</b>					
			(5)	(5)	
Operating	HTH	84,504		99,870	184,374
	HTH	30,000(s)		32,000(s)	62,000(s)
<b>Kauai Veterans Memorial Hospital</b>					
			(67)	(67)	
Operating	HTH	339,560		345,454	685,014
	HTH	613,000(s)		613,000(s)	1,226,000(s)

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Samuel Mahelona Memorial Hospital</b>				
		(125)	(125)	
Operating	HTH	1,202,154	1,206,607	2,408,761
	HTH	177,000(s)	185,000(s)	362,000(s)
Investment: capital	AGS	72,000(g)	—	72,000(g)

**Administration: State/County Hospitals**

		(9)	(9)	
Operating	HTH	228,222	233,611	461,833

Provided, that the appropriations for hospitals operating under special funds authorized prior to the 1971 Legislative session are supplements to the estimated receipts for the operation and maintenance of such hospitals for fiscal years 1971-72 and 1972-73.

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 (biennium 1971-73: 144); Hilo (fiscal year 1971-72: 316; fiscal year 1972-73: 322); Honokaa (biennium 1971-73: 25); Kohala (biennium 1971-73: 13); Kona (fiscal year 1971-72: 48; fiscal year 1972-73: 50); Ka'u (biennium 1971-73: 15); Kula (fiscal year 1971-72: 159; fiscal year 1972-73: 162); Maui Memorial (biennium 1971-73: 106); Kauai Veterans Memorial (biennium 1971-73: 35); and Samuel Mahelona Memorial (biennium 1971-73: 100).

**SUBSIDIES TO PRIVATE HOSPITALS**

<b>Molokai General Hospital</b>				
Operating	HTH	170,000	80,000	250,000
<b>Wilcox Memorial Hospital</b>				
Operating	HTH	100,000	—	100,000
<b>Lanai Community Hospital</b>				
Operating	HTH	110,000	110,000	220,000

Provided, that subsidies for private hospitals shall be disbursed by the Department of Health.

**SUBSIDIES FOR CEMETERY MAINTENANCE**

<b>Island of Hawaii</b>				
Operating	HTH	7,500	7,500	15,000
<b>Island of Kauai</b>				
Operating	HTH	7,500	7,500	15,000
<b>Island of Maui</b>				
Operating	HTH	7,500	7,500	15,000
<b>Island of Molokai</b>				
Operating	HTH	3,750	3,750	7,500

**GENERAL SUPPORT**

**Departmental (HTH) Administration**

		(41)	(41)	
Operating	HTH	750,971	667,231	1,418,202
		(5)	(5)	
	HTH	42,183(f)	42,579(f)	84,762(f)
Investment: capital	AGS	397,100(g)	24,300(g)	421,400(g)

**Comprehensive Health Planning**

		(2)	(2)	
Operating	HTH	31,696	36,257	67,953
		(7)	(7)	
	HTH	76,800(f)	76,800(f)	153,600(f)

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	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Health Education</b>				
Operating	HTH	(16) 237,530	(16) 232,441	469,971
	HTH	(1) 8,666(f)	(1) 8,666(f)	17,332(f)
<b>Health Research &amp; Statistics</b>				
Operating	HTH	(33) 361,659	(33) 363,730	725,389
	HTH	(3) 30,940(f)	(3) 31,704(f)	62,644(f)
<b>District Administrative Services (Dis- trict Health Offices)</b>				
Operating	HTH	(45) 434,476	(45) 437,947	872,423
<b>Research, Training, Demonstration, &amp; Short-term Grants</b>				
Operating	HTH	255,212(f)	259,248(f)	514,460(f)
<b>HUMAN RESOURCES</b>				
<b>EMPLOYMENT AND LABOR PRODUCTIVITY</b>				
Employee-Employer Relations				
<b>Hawaii Employment Relations Board</b>				
Operating	LBR	(1.5) 30,379	(1.5) 30,079	60,458
<b>Labor &amp; Industrial Relations Appeals Board</b>				
Operating	LBR	(5) 115,656	(5) 116,931	232,587
<b>Labor Law Enforcement</b>				
Operating	LBR	(25) 274,509	(25) 281,411	555,920
<b>Employability Development &amp; Train- ing Apprenticeship</b>				
Operating	LBR	(8) 90,993	(11) 118,832	209,825
	LBR	(4.5) 141,015(f)	(4.5) 142,033(f)	283,048(f)
<b>Manpower Development</b>				
Operating	LBR	(3) 347,146	(3) 347,050	694,196
Provided, that of the sum appropriated, \$50,000 in each year shall be used to develop and operate joint nursery schools.				
<b>Hawaii Job Corps Center</b>				
Operating	LBR	(75) 1,548,206(f)	(75) 1,612,670(f)	3,160,876(f)
<b>Commission on Manpower &amp; Full Em- ployment</b>				
Operating	GOV	(8.5) 168,831	(8.5) 173,381	342,212

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
		(6)	(6)	
GOV		124,289(f)	125,410(f)	249,699(f)
<p>Provided, that the commission evaluate manpower programs in the travel industry area and report such findings to the next session of the Legislature.</p>				
<b>Governor's Committee on Employment of the Handicapped</b>				
		(2)	(2)	
Operating	GOV	25,858	26,173	52,031
<b>Vocational Rehabilitation</b>				
		(83)	(83)	
Operating	SOC	439,835	457,192	897,027
		(10)	(10)	
Investment: capital	SOC	2,062,957(f)	2,140,436(f)	4,203,393(f)
Employment Security	AGS	50,000(g)	—	50,000(g)
<b>Administration</b>				
		(294.5)	(294.5)	
Operating	LBR	4,238,084(f)	4,454,127(f)	8,692,211(f)
<b>Concentrated Employment</b>				
		(42.9)	(42.9)	
Operating	LBR	664,854(f)	696,727(f)	1,361,581(f)
<b>Employment—Model Cities</b>				
Operating	LBR	161,759(f)	—	161,759(f)
<b>Unemployment Compensation</b>				
Operating	LBR	14,300,000(s)	15,300,000(s)	29,600,000(s)
Investment: capital	AGS	—	65,300(g)	65,300(g)
<b>Unemployment Compensation Manpower Development and Training</b>				
Operating	LBR	625,448(s)	687,993(s)	1,313,441(s)
<b>Agricultural Unemployment Compensation Administration</b>				
Operating	LBR	16,000(s)	16,000(s)	32,000(s)
<b>Workmen's Compensation</b>				
		(33)	(33)	
Operating	LBR	352,804	358,746	711,550
<b>Temporary Disability Insurance</b>				
		(22)	(22)	
Operating	LBR	294,263	289,668	583,931
<p>Provided, that in the Temporary Disability Insurance program, four TDI Specialist IV positions on the neighbor islands shall be converted into permanent positions as of July 1, 1971, without loss of salaries, accumulated employee benefits or privileges.</p>				
<p>Provided, further that the incumbents shall be appointed to civil service positions within the provisions of Chapter 76 and 77, Hawaii Revised Statutes without the requirement of examination.</p>				
<b>Occupational Safety &amp; Health</b>				
<b>Industrial Safety</b>				
		(30)	(30)	
Operating	LBR	350,155	351,772	701,927
<b>Occupational and Radiological Health</b>				
		(5)	(5)	
Operating	HTH	75,602	75,475	151,077

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	<b>Exp. Agy.</b>	<b>FY 1971-1972</b>	<b>FY 1972-1973</b>	<b>Total Biennium FY 1971-1973</b>
	HTH	(1) 12,801(f)	(1) 12,801(f)	25,602(f)
<b>General Support</b>				
<b>Departmental (LBR) Administration</b>				
		(27.15)	(27.15)	
Operating	LBR	394,022	390,209	784,231
Investment: capital	COM	—	30,000(c)	30,000(c)
	COM	—	30,000(g)	30,000(g)
<b>Computer Center #2</b>				
		(10.2)	(10.2)	
Operating	LBR	79,182	77,300	156,482
		(14.8)	(14.8)	
	LBR	183,515(f)	186,566(f)	370,081(f)
	LBR	174,670(x)	182,523(x)	357,193(x)
<b>SOCIAL WELFARE</b>				
<b>Income Maintenance</b>				
<b>Administration</b>				
		(133.5)	(151.5)	
Operating	SOC	650,212	752,576	1,402,788
	SOC	474,719(f)	547,542(f)	1,022,261(f)
<p>Provided, that the sum of \$77,494 for the fiscal year 1971-1972 and \$96,154 for the fiscal year 1972-1973 shall be applied to fund 13 social service assistants positions for money payment units.</p> <p>Provided, further that for fiscal year 1971-1972 50 additional social service assistant positions are authorized on a temporary basis for money payment units on Oahu, Maui, Hawaii and Kauai.</p>				
<b>Aid to the Aging, Blind, &amp; Disabled</b>				
Operating	SOC	3,242,973	3,643,963	6,886,936
	SOC	3,125,629(f)	3,504,991(f)	6,630,620(f)
<b>Aid to Families with Dependent Children</b>				
Operating	SOC	16,293,139	20,073,126	36,366,265
	SOC	15,685,136(f)	19,289,030(f)	34,974,166(f)
<b>Child Welfare Foster Care</b>				
Operating	SOC	863,276	881,018	1,744,294
<b>General Assistance</b>				
Operating	SOC	8,068,331	11,124,039	19,192,370
<p>Provided, that of the sums appropriated for the programs of Aid to the Aged, Blind, and Disabled; Aid to Families with Dependent Children; and General Assistance the sum of \$4,836,238 is for clothing allowances for children and adults as a special allowance, separate from and not as an increase to the standard monthly allowance.</p> <p>Provided, that the appropriation for payments for indigents is intended for average monthly caseloads of: Aid to the Aging, Blind, and Disabled—4622 cases for fiscal year 1971-72 and 4899 cases for fiscal year 1972-73; Aid to Families with Dependent Children—9560 cases for fiscal year 1971-72 and 10,898 cases for fiscal year 1972-73; Child Welfare Foster Care—680 cases for fiscal year 1971-72 and 687 cases for fiscal year 1972-73; and General Assistance—3550 cases for fiscal year 1971-72 and 4508 cases for fiscal year 1972-73.</p>				
<b>Medical Assistance</b>				
<b>Administration</b>				
		(48)	(48)	
Operating	SOC	484,264	542,836	1,027,100
	SOC	370,997(f)	418,368(f)	789,365(f)



	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Aid to the Medically Indigent</b>				
Operating	SOC	14,996,694	18,744,546	33,741,240
	SOC	12,051,222(f)	15,086,370(f)	27,137,592(f)
<b>Medical Aid to State &amp; County Pensioners</b>				
Operating	SOC	162,000	154,000	316,000
Provided, that the appropriation for medical payments for indigents and medical indigents is intended for the following: inpatient care 13,434 patients for fiscal year 1971-72 and 15,413 patients for fiscal year 1972-73 (average length of stay of 10 days per patient); extended facility care—2559 patients for fiscal year 1971-72 and 2936 patients for fiscal year 1972-73 (average length of stay of 200 days per patient); and outpatient care—72,290 patients for fiscal year 1971-72 and 82,934 patients for fiscal year 1972-73 (average of 6 visits per patient).				
<b>Burial of Indigents</b>				
Operating	SOC	61,270	64,496	125,766
	SOC	48,730(f)	51,504(f)	100,234(f)
<b>Adult Casework Services</b>				
<b>Adult Protective Services</b>				
		(21)	(21)	
Operating	SOC	136,185	139,619	275,804
	SOC	83,108(f)	86,438(f)	169,546(f)
<b>Aid to Disabled &amp; Paraplegic Veterans</b>				
		(4)	(4)	
Operating	SOC	47,464	49,657	97,121
<b>Adult Boarding Homes</b>				
		(3.5)	(3.5)	
Operating	SOC	28,792	29,545	58,337
	SOC	17,538(f)	18,251(f)	35,789(f)
<b>Family and Children Casework Services</b>				
<b>Family Counseling and Planning</b>				
		(65.6)	(65.6)	
Operating	SOC	419,640	443,691	863,331
	SOC	277,345(f)	284,639(f)	561,984(f)
<b>Child Protective Services</b>				
		(15.4)	(15.4)	
Operating	SOC	123,888	130,155	254,043
	SOC	70,431(f)	72,533(f)	142,964(f)
<b>Homemaker Services</b>				
		(2.7)	(2.7)	
Operating	SOC	76,114	80,961	157,075
	SOC	57,680(f)	59,462(f)	117,142(f)
<b>Day-Care Services</b>				
		(2)	(2)	
Operating	SOC	27,303	29,042	56,345
		(3)	(3)	
	SOC	20,690(f)	21,329(f)	42,019(f)
<b>Foster Care Services</b>				
		(48.2)	(48.2)	
Operating	SOC	305,457	324,912	630,369
		(8.5)	(8.5)	
	SOC	240,558(f)	250,879(f)	491,437(f)

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	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Unmarried Parents</b>				
Operating	SOC	(39.3) 215,635	(39.3) 229,371	445,006
	SOC	163,412(f)	168,461(f)	331,873(f)
<b>Adoption Services</b>				
Operating	SOC	(8.3) 45,469	(8.3) 48,364	93,833
	SOC	34,456(f)	35,521(f)	69,977(f)
<b>Aid to the Blind &amp; Visually Handicapped</b>				
Operating	SOC	(28.5) 154,560	(28.5) 154,774	309,334
	SOC	373,336(f)	373,944(f)	747,280(f)
	SOC	64,060(s)	64,060(s)	128,120(s)
<b>Support Services</b>				
Operating	SOC	(22) 181,226	(22) 183,292	364,518
	SOC	130,521(f)	132,265(f)	262,786(f)
Investment: capital	AGS	—	22,000(g)	22,000(g)
<b>Office of Economic Opportunity</b>				
<b>Administration</b>				
Operating	GOV	593,917	594,494	1,188,411
		(7)	(7)	
	GOV	102,247(f)	102,247(f)	204,494(f)
<b>Planning Development</b>				
Operating	GOV	15,285	17,223	32,508
	GOV	66,200(f)	66,200(f)	132,400(f)
<b>Youth Opportunity</b>				
Operating	GOV	9,572	9,998	19,570
	GOV	25,000(f)	25,000(f)	50,000(f)
<b>Training &amp; Technical Assistance</b>				
Operating	GOV	70,000(f)	70,000(f)	140,000(f)
<b>Progressive Neighborhoods</b>				
Operating	GOV	(2) 691,740	(2) 698,261	1,390,001
	GOV	100,000(f)	100,000(f)	200,000(f)
	GOV	60,000(x)	60,000(x)	120,000(x)
<b>Subsidized Projects</b>				
<b>Crises Intervention Center</b>				
Operating	SOC	25,000	25,000	50,000

Provided, that the Governor may expend any balance of the appropriation not needed for matching purposes to make necessary advances subject to federal reimbursements to implement authorized projects, or to provide either matching or implementation money for Economic Opportunity Act projects or other related projects in areas such as health, education, housing, social welfare or employment; provided, further, that the director of finance may advance funds when required to meet reimbursable costs incurred in connection with federally financed programs of the Hawaii Office of Economic Opportunity.

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>HOUSING</b>				
Home Ownership Development and Assistance				
<b>Fee Ownership Acquisition</b>				
Operating	SOC	(4.9) 42,570	(4.9) 43,384	85,954
<b>Act 105, S.L.H. 1970 Programs</b>				
Operating	SOC	(9.6) 152,108	(9.6) 152,321	304,429
Rental Development and Assistance				
<b>Public Housing</b>				
Operating	SOC	(223.2) 8,008,836(s)	(227.2) 7,941,841(s)	15,950,677(s)
Investment: capital	SOC	4,600,000(r)	7,475,000(r)	12,075,000(r)
<b>Rent Supplements</b>				
Operating	SOC	(12.3) 771,381	(12.3) 823,164	1,594,545
<b>AID TO PERSONS OF HAWAIIAN DESCENT</b>				
<b>Agricultural Development and Assistance</b>				
Operating	HHL	(11) 346,000(s)	(11) 346,000(s)	692,000(s)
Investment: capital	HHL	—	180,000(g)	180,000(g)
<b>Residential Development and Assistance</b>				
Operating	HHL	384,776(s)	384,776(s)	769,552(s)
Investment: capital	HHL	1,480,000(g)	3,100,000(g)	4,580,000(g)
	HHL	50,000(s)	50,000(s)	100,000(s)
<b>Educational Projects</b>				
Operating	HHL	216,750(s)	216,750(s)	433,500(s)
	HHL	125,000	125,000	250,000

Provided that from the \$433,500 appropriated above from special funds, the sum of \$22,000(s) for each fiscal year shall be used to continue the operations of the Kailua Learning Center.

**Administration (HHL)**

Operating	HHL	221,000	255,100	476,100
		(41)	(41)	
Investment: capital	AGS	562,110(s)	573,886(s)	1,135,996(s)
		—	5,300(g)	5,300(g)

Provided, that the sum of \$416,100 appropriated for interest subsidy for the biennium shall be expended only upon the adoption of rules and regulations in accordance with the administrative procedures Act, Chapter 91, Hawaii Revised Statutes, and only upon and with the approval of the Governor.

**GENERAL SUPPORT**

**Departmental (SOC) Administration**

Operating	SOC	(76) 557,749	(76) 569,674	1,127,423
		(2)	(2)	
Investment: capital	SOC	455,635(f)	465,253(f)	920,888(f)
	AGS	100,000(g)	6,400(g)	106,400(g)

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	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
	COM	—	11,250(c)	11,250(c)
	COM	—	11,250(g)	11,250(g)

Provided, that of the sum appropriated \$58,236 in fiscal year 1971-72 and \$58,236 in fiscal year 1972-73 shall be used on a statewide basis for educational leave stipends to any qualified applicant.

**Commission on Aging**

		(3)	(3)	
Operating	BUF	198,052	218,700	416,752
		266,370(f)	270,938(f)	537,308(f)

Provided, that from the sums of \$48,000 for fiscal year 1971-1972 and \$78,000 for fiscal year 1972-1973 appropriated for the Hawaii State Senior Center, the Commission on Aging may expend any necessary amounts for contractual services for instructional purposes.

**Commission on Children and Youth**

		(3)	(3)	
Operating	BUF	43,609	44,299	87,908

**HUMAN RIGHTS AND JUSTICE**

**COURTS**

**Supreme Court**

**Supreme Court Proper**

		(20)	(20)	
Operating	JUD	362,820	357,107	719,927

**Administrative Director**

		(11)	(11)	
Operating	JUD	636,046	646,113	1,282,159

Provided, that from the appropriation, the Judiciary shall make funds available to cover operating expenses of the Judicial Council.

Provided, further, that the sum of \$120,250 for each fiscal year or so much thereof as may be necessary is for rental payments for space occupied by the district courts.

Provided, further, that the sum of \$10,000 for fiscal year 1971-72 is for the rules of civil procedure revision project, and provided, further, that personal services obtained for said project shall not be subject to Chapters 76 and 77 and Section 78-1, Hawaii Revised Statutes.

Provided, further, that the sum of \$323,400 for fiscal year 1971-1972 and \$339,570 for fiscal year 1972-1973 is to be used for the purpose of providing legal counsel for indigents.

**Bar Examination**

Operating	JUD	2,850(s)	2,050(s)	4,900(s)
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**Hawaii Reports**

Operating	JUD	20,000	21,864	41,864
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**Law Library System**

		(6)	(6)	
Operating	JUD	159,646	175,277	334,923

**Legal Counsel**

Operating	GOV	75,000	75,000	150,000
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Provided that the appropriation shall be used to contract for legal counsel for indigents.

**Land Court—Tax Appeal Court**

		(3)	(3)	
Operating	JUD	45,659	46,101	91,760

**First Circuit Court**

**First Circuit Court Proper**

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Operating	JUD	(94) 1,406,283	(94) 1,436,272	2,842,555
Provided that of the sum appropriated, \$223,071 in fiscal year 1971-1972 and \$242,129 in fiscal year 1972-1973 shall be used for jury trial expenses and shall not be used for any other purpose.				
<b>Adult Probation</b>				
Operating	JUD	(28) 267,979	(28) 279,697	547,676
<b>Family Court</b>				
Operating	JUD	(99) 1,283,788	(99) 1,314,894	2,598,682
Provided, that of the sum appropriated, \$150,000 in each fiscal year is to be used only for the purpose of placing delinquent wards in foster homes, including child care institutions.				
<b>Juvenile Detention Home</b>				
Operating	JUD	(33) 306,778	(33) 318,275	625,053
Provided, that the appropriation is intended for an average daily ward population of 39 children for the biennium 1971-1973.				
Second Circuit Court				
<b>Second Circuit Court Proper</b>				
Operating	JUD	(12) 187,317	(12) 191,326	378,643
Provided, that of the sum appropriated, \$22,829 in fiscal year 1971-1972 and \$23,315 in fiscal year 1972-73 shall be used for jury trial expenses and shall not be used for any other purpose.				
Provided further, that of the sum appropriated, \$6,452 in each fiscal year shall be used for temporary clerical help.				
<b>Family Court</b>				
Operating	JUD	(17.5) 188,074	(17.5) 192,734	380,808
Third Circuit Court				
<b>Third Circuit Court Proper</b>				
Operating	JUD	(17) 256,818	(17) 261,668	518,486
Provided, that of the sum appropriated, \$25,740 in fiscal year 1971-1972 and \$27,960 in fiscal year 1972-1973 shall be used for jury trial expenses and shall not be used for any other purpose.				
<b>Family Court</b>				
Operating	JUD	(17) 180,858	(17) 184,942	365,800
Fifth Circuit Court				
<b>Fifth Circuit Court Proper</b>				
Operating	JUD	(9) 138,572	(10) 146,083	284,655
Provided, that of the sum appropriated, \$7,579 in fiscal year 1971-1972 and \$7,911 in fiscal year 1972-1973 shall be used for jury trial expenses and shall not be used for any other purpose.				
<b>Family Court</b>				
Operating	JUD	(5) 69,945	(5) 72,630	142,575
District Courts of Honolulu				
<b>Judicial Services</b>				

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	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Operating	JUD	(54) 662,423	(55) 669,790	1,332,213
Investment: capital	AGS	—	202,000(g)	202,000(g)
<b>Traffic Violations Bureau</b>				
Operating	JUD	(88) 703,915	(89) 739,638	1,443,553
Provided, that of the sums appropriated, \$9,000 for the biennium may be used for temporary help.				
<b>Rural District Courts</b>				
Operating	JUD	(23) 250,368	(23) 224,272	474,640
Investment: capital	AGS	13,000(g)	506,000(g)	519,000(g)
<b>District Courts of Maui</b>				
Operating	JUD	(11.5) 143,716	(11.5) 142,663	286,379
Investment: capital	AGS	—	21,000(g)	21,000(g)
<b>District Courts of Hawaii</b>				
Operating	JUD	(10) 128,296	(10) 131,930	260,226
Investment: capital	AGS	13,000(g)	16,000(g)	29,000(g)
<b>District Courts of Kauai</b>				
Operating	JUD	(4) 62,432	(4) 60,855	123,287
Provided, that of the sum appropriated, \$4,968 in fiscal year 1972-73 shall be used for temporary help.				
<b>Legal Services</b>				
<b>Attorney General's Office</b>				
Operating	ATG	(60) 1,185,654	(60) 1,219,127	2,404,781
		(14) 236,163(s)	(14) 247,971(s)	484,134(s)
Provided, that of the general fund appropriated, \$20,000 in each fiscal year shall be used for the payment of tort claims arbitrated, compromised or settled for amounts not in excess of \$2,000.				
<b>Office of the Sheriff</b>				
Operating	ATG	(2) 18,855	(2) 18,855	37,710
<b>Elections Administration</b>				
Operating	LTG	(3) 466,075	(3) 620,359	1,086,434
Investment: capital	AGS	40,000(g)	—	40,000(g)
Provided, that the lieutenant governor may use funds appropriated for the purchase of automatic voting machines to finance newly adopted voting systems.				
<b>Consumer Protection</b>				
<b>Office of Consumer Protection</b>				
Operating	GOV	(15) 252,291	(15) 259,131	511,422
<b>Weights and Measures</b>				
Operating	AGR	(16) 214,745	(16) 195,009	409,754

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Food and Drug Regulation</b>				
Operating	HTH	(9) 105,382 (1) 14,103(f)	(9) 105,122 (1) 14,811(f)	210,504  28,914(f)
Regulation of Business, Professions and Occupations				
<b>General Administration</b>				
Operating	REG	(17) 259,568	(17) 260,788	520,356
<b>Bank Examination</b>				
Operating	REG	(20) 291,309	(20) 295,471	586,780
<b>Business Registration</b>				
Operating	REG	(9) 95,407	(9) 97,000	192,407
<b>Fire Marshal</b>				
Operating	REG	(3) 44,070	(3) 44,510	88,580
<b>Insurance</b>				
Operating	REG	(13) 150,984	(13) 153,355	304,339
<b>Regulatory Boards</b>				
Operating	REG	6,894	6,894	13,788
<b>Public Utilities Commission</b>				
Operating	REG	(34) 561,888	(34) 544,276	1,106,164
<b>Professional and Vocational Licensing</b>				
Operating	REG	(42) 500,143	(42) 505,453	1,005,596
<b>Cable Television</b>				
Operating	REG	(4) 87,379(s)	(5) 101,926(s)	189,305(s)
Property Rights				
<b>Conveyances</b>				
Operating	LNR	(47) 439,178	(47) 436,019	875,197
Crime Prevention and Control				
<b>State Law Enforcement and Juvenile Delinquency Planning</b>				
Operating	GOV	318,005 (11) 2,014,600(f)	191,990 (11) 1,615,450(f)	509,995  3,630,050(f)
<b>Bureau of Crime Statistics</b>				
Operating	ATG	(2) 23,324	(2) 24,394	47,718
<b>Parole and Pardon of Felons</b>				
Operating	SOC	(19.5) 206,820	(19.5) 213,501	420,321

**ACT 68**

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Criminal Injuries Compensation Commission</b>				
Operating	SOC	(2) 28,476	(2) 29,269	57,745
Corrections				
<b>Administration</b>				
Operating	SOC	(6) 94,624	(6) 95,741	190,365
<b>Hawaii Youth Correctional Facility</b>				
Operating	SOC	(78) 832,637	(78) 835,661	1,668,298
Provided, that the appropriation is intended for an average daily ward population of 73 children for fiscal year 1971-1972 and 75 children for fiscal year 1972-1973.				
<b>Juvenile Parole</b>				
Operating	SOC	(9) 122,798	(9) 123,301	246,099
Provided, that \$22,800 appropriated in fiscal year 1971-1972 and \$23,100 appropriated in fiscal year 1972-1973 shall be used for purchasing foster home care and clothing for wards paroled from Hawaii Youth Correctional Facility.				
<b>State Prison</b>				
Operating	SOC	(151) 1,802,402	(151) 1,796,998	3,599,400
		(9) 175,833(s)	(9) 189,356(s)	365,189(s)
Provided, that \$51,072 from the appropriation for each fiscal year is to transport and care for felons transferred to mainland penitentiaries.				
Provided, further, that the appropriation is intended for an average daily inmate population of 250 felons for fiscal year 1971-1972 and 256 felons for fiscal year 1972-1973.				
<b>Kulani Honor Camp</b>				
Operating	SOC	(34) 460,332	(34) 464,292	924,624
Investment: capital	AGS	2,000(g)	202,000(g)	204,000(g)
Provided, that the appropriation is intended for an average daily inmate population of 38 felons for fiscal year 1971-1972 and 39 felons for fiscal year 1972-1973.				
<b>Olinda Honor Camp</b>				
Operating	SOC	(19) 260,947	(19) 261,505	522,452
Investment: capital	AGS	50,000(g)	—	50,000(g)
Provided, that the appropriation is intended for an average daily inmate population of 26 felons for fiscal year 1971-1972 and 27 felons for fiscal year 1972-1973.				
<b>Conditional Release Center</b>				
Operating	SOC	(12) 153,797	(12) 155,573	309,370
Investment: capital	AGS	412,000(g)	10,000(g)	422,000(g)
Disaster Prevention and Amelioration				
<b>Departmental Administration</b>				
Operating	DEF	(74.0) 716,713	(74.0) 701,418	1,418,131
	DEF	43,000(f)	48,000(f)	91,000(f)



	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Investment: capital	AGS	57,000(g)	—	57,000(g)
<p>Provided, that of the sum appropriated, \$15,000 is for the purpose of defraying expenses of the Annual Conference of the National Guard Association of the United States to be held in Honolulu in September, 1971 and shall not be used for any other purpose and that any expenditure to be made out of the above sum shall be authorized by the adjutant general of the Department of Defense.</p>				
<b>Military Defense</b>				
<b>Air National Guard</b>				
		(8.0)	(8.0)	
Operating	DEF	79,959	84,707	164,666
	DEF	74,012(f)	80,164(f)	154,176(f)
<b>Army National Guard</b>				
		(44.0)	(44.0)	
Operating	DEF	518,416	527,182	1,045,598
	DEF	46,000(f)	50,000(f)	96,000(f)
Investment: capital	AGS	140,000(g)	395,000(g)	535,000(g)
	AGS	358,000(f)	445,000(f)	803,000(f)
<b>Civil Defense</b>				
		(15.0)	(15.0)	
Operating	DEF	194,868	206,760	401,628
	DEF	140,956(f)	133,496(f)	274,452(f)
Investment: capital	AGS	145,000(g)	219,000(g)	364,000(g)
	COK	51,000(c)	4,000(c)	55,000(c)
	AGS	69,000(f)	—	69,000(f)
	AGS	(50,000(f))	(110,000(f))	(160,000(f))
<b>Civil Defense Education</b>				
		(2.0)	(2.0)	
Operating	EDN	29,862(f)	30,328(f)	60,190(f)
<b>Emergency Health Mobilization</b>				
		(2.0)	(2.0)	
Operating	HTH	40,215	37,817	78,032
<b>War Memorial Establishment and Maintenance</b>				
Operating	DEF	4,200	4,200	8,400
<b>Bureau of Civil Identification</b>				
		(4.0)	(4.0)	
Operating	ATG	51,101	51,471	102,572
<p>Provided, that if the Hawaii Army 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 Army 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.</p>				
<b>PUBLIC EMPLOYMENT</b>				
<b>PERSONNEL SERVICES</b>				
<b>General Administration</b>				
		(7.0)	(7.0)	
Operating	PER	158,930	151,757	310,687

**ACT 68**

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Planning, Program Development and Evaluation</b>				
Operating	PER	(3.0) 35,714	(3.0) 37,276	72,990
<b>Administrative Personnel Services</b>				
Operating	PER	(11.0) 120,944	(11.0) 121,442	242,386
<b>Recruitment, Examination and Placement</b>				
Operating	PER	(19.0) 273,941	(19.0) 270,723	544,664
<b>Classification and Pay</b>				
Operating	PER	(20.0) 228,502	(20.0) 227,164	455,666
<b>Training and Employee Relations</b>				
Operating	PER	(6.0) 77,175	(6.0) 77,640	154,815
	PER	(3.0) 7,472(f)	—	7,472(f)
<b>Civil Service Commission</b>				
Operating	PER	11,067	11,067	22,134
<b>Appeals Board</b>				
Operating	PER	13,039	2,476	15,515
<b>Collective Bargaining Service</b>				
Operating	PER	—	(4.0) 72,159	72,159
Investment: non-capital	PER	(4.0) 71,811	—	71,811
<b>Public Employment Relations Board</b>				
Operating	LBR	339,567	338,567	678,134
<b>Center for Governmental Development</b>				
Operating	UOH	(10.0) 261,487	(10.0) 269,978	531,465
	UOH	4,800(s)	4,872(s)	9,672(s)
<b>EMPLOYEE FRINGE BENEFIT ADMINISTRATION</b>				
<b>Employees' Retirement System Administration</b>				
Operating	BUF	(28.0) 325,402	(28.0) 302,088	627,490
	BUF	97,112(c)	90,025(c)	187,137(c)
<b>Contributions</b>				
Operating	BUF	32,424,469	38,482,100	70,906,569
<b>Pensions</b>				
Operating	BUF	80,221	80,221	160,442
<b>Bonus to Pensioners</b>				
Operating	BUF	3,526,968	3,431,052	6,958,020

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Employee's Group Medical and Hos- pital Care</b>				
		(10.0)	(10.0)	
Operating	BUF	7,734,665	8,536,950	16,271,615

Provided, that the board of trustees of the employee's group medical and hospital care program may use so much of the contributions appropriation as necessary to advance to employee-beneficiaries their monthly contributions to the fund.

**TRANSPORTATION**

Departmental Administration (TRN)

**Office of Director**

Operating	TRN	(12) 330,377(s)	(12) 333,041(s)	663,418(s)
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**Staff Support**

Operating	TRN	(40) 768,190(s)	(40) 790,764(s)	1,558,954(s)
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**Advanced Planning**

Operating	TRN	(3) 79,211(s)	(3) 77,950(s)	157,161(s)
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Air (Airports)

**Administration**

Operating	TRN	(32) 17,293,790(s)	(32) 20,450,352(s)	37,744,142(s)
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Provided, that of the sum of \$56,000 authorized each fiscal year as a grant to the Civil Air Patrol, not less than \$2,000 each fiscal year shall be allocated to each of the neighbor island Civil Air Patrol units.

Operations, Maintenance and Improve-  
ments.

**Statewide**

Investment: capital	TRN	705,000(s)	648,000(s)	1,353,000(s)
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**Oahu**

Operating	TRN	(280) 5,097,311(s)	(280) 5,078,234(s)	10,175,545(s)
Investment: capital	TRN	5,950,000(s)	2,660,000(s)	8,610,000(s)
	TRN	9,460,000(a)	9,460,000(a)	18,920,000(a)
	TRN	15,568,000(r)	6,650,000(r)	22,218,000(r)
	TRN	3,090,000(f)	650,000(f)	3,740,000(f)

**Hawaii**

Operating	TRN	(42) 609,384(s)	(42) 609,132(s)	1,218,516(s)
Investment: capital	TRN	250,000(a)	—	250,000(a)

**Maui**

Operating	TRN	(31) 421,428(s)	(31) 420,710(s)	842,138(s)
Investment: capital	TRN	575,000(a)	—	575,000(a)

**Kauai**

Operating	TRN	(13) 208,862(s)	(13) 213,590(s)	422,452(s)
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Water (Commercial Harbors)

**ACT 68**

	<b>Exp. Agy.</b>	<b>FY 1971-1972</b>	<b>FY 1972-1973</b>	<b>Total Biennium FY 1971-1973</b>
<b>Administration</b>				
Operating	TRN	(34.5) 4,219,276(s)	(34.5) 4,263,201(s)	8,482,477(s)
Operations, Maintenance and Improvements				
<b>Statewide</b>				
Investment: capital	TRN	40,000(s)	20,000(s)	60,000(s)
<b>Oahu</b>				
		(139)	(139)	
Operating	TRN	2,711,415(s)	2,502,584(s)	5,213,999(s)
Investment: capital	TRN	5,013,000(a)	400,000(a)	5,413,000(a)
	TRN	1,614,000(s)	648,000(s)	2,262,000(s)
	TRN	4,100,000(r)	500,000(r)	4,600,000(r)
	TRN	2,425,000(f)	—	2,425,000(f)
<b>Honolulu Fireboat Operations</b>				
Operating	TRN	382,037(s)	387,130(s)	769,167(s)
<b>Hawaii</b>				
		(18)	(18)	
Operating	TRN	514,766(s)	333,242(s)	848,008(s)
Investment: capital	TRN	40,000(s)	840,000(s)	880,000(s)
<b>Maui</b>				
		(14)	(14)	
Operating	TRN	362,162(s)	244,954(s)	607,116(s)
Investment: capital	TRN	44,000(g)	—	44,000(g)
<b>Kauai</b>				
		(11)	(11)	
Operating	TRN	235,663(s)	193,568(s)	429,231(s)
Investment: capital	TRN	—	20,000(s)	20,000(s)
	TRN	—	113,000(f)	113,000(f)
<b>Highways</b>				
<b>Administration</b>				
		(41)	(41)	
Operating	TRN	7,794,669(s)	8,611,304(s)	16,405,973(s)
Operations, Maintenance, Improvements				
<b>Statewide</b>				
Investment: capital	TRN	350,000(g)	300,000(g)	650,000(g)
	TRN	419,000(a)	529,000(a)	948,000(a)
	TRN	821,000(f)	1,278,000(f)	2,099,000(f)
<b>Oahu</b>				
		(188)	(188)	
Operating	TRN	2,274,670(s)	2,077,153(s)	4,351,823(s)
Investment: capital	AGS	—	17,700(g)	17,700(g)
	TRN	2,181,000(g)	100,000(g)	2,281,000(g)
	TRN	15,550,000(a)	22,210,000(a)	37,760,000(a)
	TRN	50,814,000(f)	114,097,000(f)	164,911,000
<b>Hawaii</b>				
		(108)	(118)	
Operating	TRN	1,462,839(s)	1,626,922(s)	3,089,761(s)

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Investment: capital	TRN	2,792,000(g)	1,300,000(g)	4,092,000(g)
	TRN	785,000(a)	851,000(a)	1,636,000(a)
	TRN	360,000(f)	395,000(f)	755,000(f)
<b>Maui</b>		(63)	(73)	
Operating	TRN	690,954(s)	971,611(s)	1,662,565(s)
Investment: capital	TRN	745,000(g)	325,000(g)	1,070,000(g)
	TRN	714,000(a)	878,000(a)	1,592,000(a)
	TRN	360,000(f)	594,000(f)	954,000(f)
<b>Kauai</b>		(42)	(42)	
Operating	TRN	420,275(s)	489,534(s)	909,809(s)
Investment: capital	TRN	885,000(g)	1,150,000(g)	2,035,000(g)
	TRN	2,375,000(a)	1,709,000(a)	4,084,000(a)
	TRN	1,777,000(f)	1,272,000(f)	3,049,000(f)
<b>Highway Safety (coordinator's office)</b>		(4)	(4)	
Operating	TRN	71,958(s)	47,448(s)	119,406(s)
	TRN	71,958(f)	47,447(f)	119,405(f)

**PART III. CAPITAL IMPROVEMENT PROJECTS**

SECTION 4. Capital Improvement Projects Authorized. The sums of money appropriated or authorized in Part II of this act for capital investments shall be expended for the projects listed below. Several or more related or similar projects may be combined into a single project, if such combination is advantageous or convenient, for land acquisition, design and construction purposes, provided, that the total cost of the projects thus combined shall not exceed the total of the sums specified for the projects separately. (The amount after each cost element and the total funding for each project listed in this part are in thousands of dollars.)

**A. ECOLOGY, ENVIRONMENT AND RECREATION**

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>POLLUTION, PREVENTION AND CONTROL</b>			
Environmental Health			
<b>Sanitation</b>			
1. Department of Health, Sewerage Construction Grants, Statewide—Grants-in-aid to County or State agencies for eligible water pollution control facilities conforming with the State water pollution control plan as authorized under Section 1 of Act 117, SLH 1969. (Funds to be expended by the Department of Health.)			
Construction	1,000	—	1,000
Total Funding	1,000(g)	—	1,000(g)
2. Department of Health, Sewerage Construction Grants, Oahu—Grants-in-aid to County or State			

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<p>agencies for eligible water pollution control facilities conforming with the State water pollution control plan as authorized under Section 1 of Act 117, SLH 1969. Funds may be expended for primary, secondary, and tertiary treatment plants. (Funds to be expended by the Department of Health.)</p>			
Construction	2,000	2,000	4,000
Total Funding	2,000(g)	2,000(g)	4,000(g)
<b>Vector Control</b>			
<p>3. Incinerator Shed, (Hilo, Hawaii)—Plans and construction to replace the existing termite infested building with new material for Waiakea Health Center.</p>			
Design	3	—	3
Construction	11	—	11
Total Funding	14(g)	—	14(g)
<b>CONSERVATION</b>			
<p>Fish and Game (To be expended by the Department of Land and Natural Resources)</p>			
<b>Fisheries Research and Management</b>			
<p>4. Planning Fund for Fish Hatchery.</p>			
Design	15	—	15
Total Funding	15(g)	—	15(g)
<b>Wildlife Research and Management</b>			
<p>5. Hawaii Game Management Facilities. Incremental development of game management facilities including construction of access roads, water units, game range improvements, signs and markers and range cabin.</p>			
Design	12	—	12
Construction	20	17	37
Total Funding	32(g)	17(g)	49(g)
<p>6. Kauai Game Management Facilities. Construct cattle guards, pipeline water units at Kekaha; paving of parking area at Kokee Hunter checking Station; game enclosure in game management areas; signs and markers.</p>			
Construction	6	2	8
Total Funding	6(g)	2(g)	8(g)
<p>7. Honolulu Game Management Facilities. Cattle guards and incremental clearing and planting at Kuaokala Game Management area, electrification of Makihi warehouse workshop.</p>			
Construction	4	3	7
Total Funding	4(g)	3(g)	7(g)
<p>8. Maui Game Management Facilities. Incremental construction of game water units; signs and markers and thinnings and clearings.</p>			

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Construction	8	8	16
Total Funding	8(g)	8(g)	16(g)
Forestry (To be expended by the Department of Land and Natural Resources)			
<b>Forest Management</b>			
9. Forest Development and Timber Access Roads, Hawaii—Secondary roads in various forest reserves.			
Construction	57	40	97
Total Funding	57(g)	40(g)	97(g)
10. Fences—Forest Boundary and Pasture. To construct 5.8 miles of stock proof fence within the Hilo Forest Reserve.			
Construction	9	5	14
Total Funding	9(g)	5(g)	14(g)
11. Forest Development Trail Shelters, Kauai—Incremental construction of trail shelters in various Forest Reserves.			
Construction	8	10	18
Total Funding	8(g)	10(g)	18(g)
12. Forestry Development—Trails, Kauai. Incremental construction and reconstruction of hiking trails in various Forest Reserves.			
Construction	18	17	35
Total Funding	18(g)	17(g)	35(g)
13. Polipoli Access Road, Maui. Pave stretches of steep grades and install culverts on the 10-mile Polipoli access road.			
Construction	60	—	60
Total Funding	60(g)	—	60(g)
14. Forest Development—Roads, Kauai. Incremental construction of 9.1 miles of dirt roads through Puu Ka Pele, Wailua and Hanalei Forest management areas.			
Construction	15	—	15
Total Funding	15(g)	—	15(g)
Soil and Water			
<b>Flood Prevention and Control</b>			
15. Hilo Storm Drainage, Hilo, Hawaii—Drainage easement acquisition, plans, improve existing drainage way and construction of new drainage system. (To be expended by the County of Hawaii.)			
Land	410	—	410
Design	200	200	400
Construction	540	540	1,080
Total Funding	250(g)	160(g)	410(g)
	400(c)	160(c)	560(c)
	500(f)	420(f)	920(f)

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
16. Waiakea-uka Flood Control, Hilo, Hawaii— Land acquisition and construct drainage system. (To be expended by the County of Hawaii.)			
Land	300	—	300
Design	200	200	400
Construction	950	1,250	2,200
Total Funding	400(g) 400(c) 650(f)	400(g) 400(c) 650(f)	800(g) 800(c) 1,300(f)
17. Wailuku-Alenaio Watershed Project, Hilo, Hawaii—Drainage easement and drainage improvement. (To be expended by the County of Hawaii.)			
Design	—	325	325
Construction	—	2,700	2,700
Total Funding	—	325(g) 275(c) 2,425(f)	325(g) 275(c) 2,425(f)
Outdoor Recreation			
<b>State Parks (To be expended by the Department of Land and Natural Resources)</b>			
18. Statewide Historic Preservation Program. Incremental program of restoration, acquisition, preservation and research.			
Land	200	200	400
Design	95	30	125
Construction	25	25	50
Total Funding	320(g)	255(g)	575(g)
19. State Park and Recreation Resources Development Program. Preliminary development of sites and plans for development of state park system, including evaluation of existing resources.			
Design	105	175	280
Total Funding	105(g)	175(g)	280(g)
20. Makua-Kaena Point State Park, Waianae, Oahu. Incremental acquisition of private lands.			
Land	1,000	—	1,000
Total Funding	1,000(g)	—	1,000(g)
21. Iolani Palace Restoration, Honolulu. Restoration of Iolani Palace.			
Design	165	50	215
Construction	200	785	985
Total Funding	365(g)	835(g)	1,200(g)
22. Urban Strip Parks—Statewide Preliminary Plans.			
Design	25	—	25
Total Funding	25(g)	—	25(g)



	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
23. Royal Mausoleum State Monument, Honolulu, Oahu. Plans, research and development.			
Design	10	—	10
Construction	40	—	40
Total Funding	50(g)	—	50(g)
24. Kiholo Bay State Park, North Kona, Hawaii. Acquisition of private holdings.			
Land	200	—	200
Total Funding	200(g)	—	200(g)
25. Haena State Park, Hanalei, Kauai. Acquisition of Land.			
Land	300	—	300
Total Funding	300(g)	—	300(g)
26. Wailua River State Park, Kauai. Acquisition of Private Lands and Incremental Development as Per Master Plan.			
Land	125	—	125
Design	10	—	10
Construction	120	—	120
Total Funding	255(g)	—	255(g)
27. Hapuna Beach State Park, South Kohala, Hawaii. Land acquisition, plans, construction and landscaping.			
Land	250	—	250
Design	5	10	15
Construction	45	290	335
Total Funding	300(g)	300(g)	600(g)
28. Russian Fort State Monument, Waimea, Kauai.			
Design	15	—	15
Construction	60	—	60
Total Funding	75(g)	—	75(g)
29. Kokee-Napali State Park Complex, Waimea and Hanalei, Kauai. Incremental construction of Polihale Park Complex.			
Design	18	—	18
Construction	212	—	212
Total Funding	230(g)	—	230(g)
30. Wailoa River State Recreation Area, South Hilo, Hawaii.			
Design	10	—	10
Construction	70	—	70
Total Funding	80(g)	—	80(g)
31. Waimanalo Foothills State Recreation Area Site, Koolaupoko, Oahu. Development plans.			
Design	—	15	15
Total Funding	—	15(g)	15(g)
32. Palaaui State Park, Molokai. Planning.			
Design	—	3	3

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Construction	—	22	22
Total Funding	—	25(g)	25(g)
33. Kealakekua Bay State Park. Acquisition and plans for development of park.			
Land	—	60	60
Total Funding	—	60(g)	60(g)
34. Kahana Valley State Park, Koolaupoko, Oahu. Incremental development of park facilities and historical sites.			
Design	—	30	30
Total Funding	—	30(g)	30(g)
35. Lahaina Restoration, Maui—Incremental plans and construction for the Lahaina Restoration project. (To be expended by the County of Maui).			
Design	10	10	20
Construction	90	90	180
Total Funding	50(g) 50(c)	50(g) 50(c)	100(g) 100(c)
36. Land Acquisition for Beach Right-of-Way and Parks, Kauai. (To be expended by the County of Kauai).			
Land	100	100	200
Total Funding	100(g)	100(g)	200(g)
<b>Small Boat Harbor and Beach Improvement (To be expended by the Department of Transportation)</b>			
37. Honokohau Boat Harbor, Kona, Hawaii—Incremental development, including dredging, revetment, roads, launching ramps, comfort station, lighting, parking area, boat wash area, commercial area, utilities, moorings and shore facilities, and other improvements.			
Design	40	30	70
Construction	730	470	1,200
Total Funding	770(g)	500(g)	1,270(g)
38. Improvements to Boating Facilities, State-wide—Improvements to existing boat harbors, boat launching facilities and boat refuge areas, and construction of new boat launching ramps and supporting facilities, including studies of possible new sites.			
Design	25	20	45
Construction	235	160	395
Total Funding	260(g)	180(g)	440(g)
39. New Lahaina Boat Harbor, Lahaina, Maui—Dredging entrance and access channel, basin, portion of berthing area; construct wave absorber, breakwater bulkhead, wharf, mole, paving, and other improvements.			

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Land	158	—	158
Design	200	30	230
Construction	829	1,070	1,899
Total Funding	987(g)	560(g)	1,547(g)
	200(f)	540(f)	740(f)
40. Port Allen Small Boat Harbor Improvements, Kauai—Miscellaneous improvements to the boat launching facility bulkhead, breakwater, and groin; additional berthing and shore facilities; dredging; and other harbor improvements. To be supplemented by unexpended funds from Act 155, SLH 1969, Item C-98, and Act 187, SLH 1970, Item C-90.			
Construction	1	—	1
Total Funding	1(g)	—	1(g)
41. Ala Wai Boat Harbor, Honolulu, Oahu—Continue harbor developments to increase capacity, including additional moles and improvements.			
Design	30	—	30
Construction	470	—	470
Total Funding	500(g)	—	500(g)
42. Heeia-Kea Boat Harbor, Koolaupoko, Oahu—Plans and construction of comfort station and other improvements at the existing harbor.			
Design	5	—	5
Construction	35	—	35
Total Funding	40(g)	—	40(g)
43. Waianae Boat Harbor, Waianae, Oahu—Construction of a new all weather marina on the Ewa side of Kaneilio Point, Waianae. Plans and construction of Stage 1 development to include dredging entrance channel portion of harbor and construction of breakwater, groin, rockwall, launching ramp and other improvements.			
Design	130	130	260
Construction	—	1,230	1,230
Total Funding	—	130(f)	130(f)
	130(g)	1,230(g)	1,360(g)
44. Hilo Bay Boat Harbor, Hilo, Hawaii—Planning and construction of boating facilities and other improvements in the Hilo Bay area. Unexpended funds from Act 187, SLH 1970, Item C-72, may be used to supplement this appropriation.			
Design	1	—	1
Total Funding	1(g)	—	1(g)
45. Hana Harbor, Hana, Maui—Construction of a boat launching ramp and other improvements.			
Construction	—	63	63
Total Funding	—	63(g)	63(g)
46. Kaunakakai Boat Harbor, Kaunakakai, Molokai—Channel markers, temporary mooring facil-			

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
ities and other improvements.			
Design	2	14	16
Construction	23	—	23
Total Funding	25(g)	—	25(g)
	—	14(f)	14(f)
<b>Spectator Sports Facilities</b>			
47. Hoolulu Park Development, County of Hawaii Project, Hilo, Hawaii—Construction of 50-meter swimming pool and parking facilities. (To be expended by the County of Hawaii.)			
Design	—	80	80
Construction	1,300	720	2,020
Total Funding	650(g)	400(g)	1,050(g)
	650(c)	400(c)	1,050(c)
48. Maui War Memorial Center, County of Maui Project, Wailuku, Maui—Plans and construction of a baseball stadium, tennis courts and parking area. (To be expended by the County of Maui.)			
Design	60	40	100
Construction	540	380	920
Total Funding	300(g)	210(g)	510(g)
	300(c)	210(c)	510(c)
49. Lihue Stadium Complex, County of Kauai Project, Lihue, Kauai—Construction of stadium complex for football, track and baseball fields, including drainage, utilities, parking and other site improvements. (To be expended by the County of Kauai.)			
Design	100	—	100
Construction	1,097	—	1,097
Total Funding	599(g)	—	599(g)
	598(c)	—	598(c)
<b>Outdoor Recreation</b>			
50. State Comprehensive Outdoor Recreation Plan, Statewide—Two-year revision of the Statewide Outdoor Recreation Plan to qualify for federal grants under the Land and Water Conservation Fund program. (To be expended by the De- partment of Planning and Economic Develop- ment).			
Design	—	80	80
Total Funding	—	80(g)	80(g)
51. County-wide Recreation and Open Space Plan, Maui—Development of a Recreation and Open Space Plan for Maui County in conformance with the Statewide Comprehensive Outdoor Rec- reation and Open Space Plan. (To be expended by the County of Maui.)			
Design	—	100	100
Total Funding	—	50(g)	50(g)
	—	50(c)	50(c)

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
52. Outdoor Recreation and Open Space Matching Funds—Anticipated Federal grants from the Land and Water Conservation funds for qualified outdoor recreation projects.			
Land	200	200	400
Design	170	170	340
Construction	1,624	1,624	3,248
Total Funding	1,994(f)	1,994(f)	3,988(f)

**B. ECONOMIC DEVELOPMENT**

**AGRICULTURE**

Animal Industry

**Livestock Disease Control**

1. Animal Quarantine Station, Halawa, Oahu. Construction of Laboratory-Office Building at Halawa.

Construction	726	—	726
Total Funding	726(g)	—	726(g)

2. Department of Agriculture Facility, Honolulu, Oahu. Renovation of present Laboratory-Office wing at Keeaumoku Street, Honolulu, when Division of Animal Industry vacates premises.

Design	25	—	25
Construction	—	250	250
Total Funding	25(g)	250(g)	275(g)

Plant Industry

**Plant Quarantine and Inspection**

3. Plant Quarantine Station, Honolulu, Oahu. Construction of quarantine greenhouse necessary to provide a quarantine facility in the proximity of the P.Q. office. The new Plant Industry facility will replace that existing in the Makiki Heights area. Total area approximately 760 square feet.

Design	2	—	2
Construction	21	—	21
Total Funding	23(g)	—	23(g)

**Cooperative Extension Service**

4. Cooperative Extension Service, Hilo Office Building, Hilo, Hawaii. Construction, purchase of furniture and equipment and landscaping. Supplemental funds to prior appropriations.

Construction	43	—	43
Total Funding	43(g)	—	43(g)

**Hawaii Agricultural Experiment Station**

5. Hawaii Agricultural Experiment Station, Various Improvements, Hawaii. Plans and construction, including purchase of furniture and equipment.

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Design	36	—	36
Total Funding	36(g)	—	36(g)
6. Hawaii Agricultural Experiment Station, Hilo Office and Laboratory Building, Hilo, Hawaii. Construction, purchase of furniture and equipment and landscaping of new facilities.			
Construction	634	—	634
Total Funding	634(g)	—	634(g)
<b>COMMERCE AND BUSINESS</b>			
<b>Foreign Trade Zone</b>			
7. Foreign Trade Zone No. 9, Oahu—Incremental development and expansion of Foreign Trade Zone No. 9 to a 45-acre parcel on Anuenue, Oahu.			
Design	370	—	370
Total Funding	370(g)	—	370(g)
<b>WATER AND LAND DEVELOPMENT</b> (To be expended by Land and Natural Resources)			
<b>Land Management</b>			
8. Food Distribution Center, Oahu—Plans and construction of second increment of food distribution center complex.			
Design	—	70	70
Construction	300	1,170	1,470
Total Funding	300(g)	1,240(g)	1,540(g)
9. Waimanalo Core Development, Oahu—Plans and construction of subdivision improvements, including roads, water lines, sewer lines, curbs, gutters, sidewalks, electrical system, off-site sewerage system, drainage facilities, flood channel improvements and site preparation.			
Design	93	11	204
Construction	1,025	1,003	2,028
Total Funding	1,118(g)	1,114(g)	2,232(g)
10. Kailua-Kona Airport Development, North Kona, Hawaii—Plans for optimum utilization and development of Old Kona Airport site.			
Design	10	—	10
Total Funding	10(g)	—	10(g)
11. Anuenue Development, Oahu—Development of a long-range master plan for land use, access, utilities for a state park, industrial, waterfront industrial and park access, including roads, water and drainage facilities, sewerage system and utilities.			
Design	870	—	870
Total Funding	870(g)	—	870(g)
12. State Land Development Program, Statewide—Plans for development of State lands, includ-			

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
ing necessary investigations, surveys, analysis, estimates, appraisals, planning and programming.			
Design	230	—	230
Total Funding	230(g)	—	230(g)
13. Nawiliwili Coral Fill Industrial Subdivision, Lihue, Kauai—Development of coral filled land into an industrial subdivision, including roads, water, sewer and drainage facilities, grading and utilities.			
Construction	—	290	290
Total Funding	—	290(g)	290(g)
<b>Water Resources</b>			
14. Hawaii Region Comprehensive Water Resources Framework Study, Statewide—Formulation of a multi-agency/multi-purpose long-range guide for Federal, State, County and private interests to conserve, develop and utilize Hawaii's total water and related land resources in an efficient and timely manner.			
Design	585	1,140	1,625
Total Funding	237(g) 348(f)	343(g) 697(f)	580(g) 1,045(f)
<b>Design and Construction</b>			
15. South Kohala Water Project, Hawaii—Incremental development of water system, including plans and construction of source development, transmission mains treatment plant and storage facilities.			
Design	570	70	640
Construction	—	1,120	1,120
Total Funding	570(g)	1,190(g)	1,760(g)
16. Kona Water Project, Hawaii—Incremental development of water system, including plans and construction of source development, development shaft, pumps and appurtenances, transmission mains, and storage facilities.			
Land	50	—	50
Design	50	50	100
Construction	800	790	1,590
Total Funding	900(g)	840(g)	1,740(g)
17. West Maui Water Project, Maui—Incremental development of water systems, including plans and construction of source development, transmission mains, storage facilities and appurtenances.			
Design	60	60	120
Construction	1,065	1,020	2,085
Total Funding	1,125(g)	1,080(g)	2,205(g)
18. Papaikou-Kaieie-Kalaoa Water Project, South Hilo, Hawaii—Plans and construction of main			

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
extension from Papaikou Water System to Kalaoa and Kaieie and connect to Kaieie Water System.			
Design	25	—	25
Construction	230	—	230
	75(g)	—	75(g)
	180(f)	—	180(f)
19. Kau Water Project, Hawaii—Incremental development of water system, including plans and construction of source development, pipelines and storage facilities.			
Design	30	65	95
Construction	475	—	475
Total Funding	505(g)	65(g)	570(g)
20. Molokai Water Project—Phase II, Molokai—Incremental development of water system, including plans and construction of source development, storage facilities and pipelines.			
Design	25	—	25
Construction	375	—	375
Total Funding	400(g)	—	400(g)
21. Hoolehua Water Project, Ala Akahi Road, Molokai—Plans and construction of pipeline, pump and tank for Ala Akahi Road in Hoolehua, Molokai.			
Design	20	—	20
Construction	205	—	205
Total Funding	225(g)	—	225(g)
22. Wailua-Kapaa Water System, Kawaihau, Kauai—Incremental development of water system, including plans and construction for source development, booster pumps, storage facilities, pipelines and appurtenances.			
Land	5	—	5
Design	20	20	40
Construction	330(g)	300(g)	630(g)
Total Funding	305	280	585
23. Hanapepe Water System, Waimea, Kauai—Incremental development of water system, including plans and construction of pipelines, source development, storage facilities and appurtenances.			
Design	7	—	7
Construction	95	—	95
Total Funding	102(g)	—	102(g)

**PLANNING AND DEVELOPMENT ASSISTANCE**

**Community Development Training**

24. Comprehensive Development Planning, State-wide—Continuing investigation, research, up-



	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
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dating and coordination of statewide development plans, community development programs and planning projects to implement major recommendations of General Plan Revision Program assist county planning programs, and qualify for Federal grant programs. May be matched or augmented by Federal funds as available. (To be expended by DPED.)

Design	75	75	150
Total Funding	30(g) 45(f)	30(g) 45(f)	60(g) 90(f)

25. Comprehensive Development Planning, Statewide—Continuing investigation, research, updating and coordination of statewide development plans, community development programs and planning projects to implement major recommendations of General Plan Revision Program—assist county planning programs, and qualify for Federal grant programs. May be matched or augmented by Federal funds as available. (To be expended by DPED.)

Design	425	505	930
Total Funding	170(g) 255(f)	170(g) 335(f)	340(g) 590(f)

26. Wailuku General Plan, County of Maui Project, Maui—Updating and revision of existing general plan prepared in 1961.

Design	40	—	40
Total Funding	20(c) 20(g)	—	20(c) 20(g)

**C. EDUCATION AND CULTURE**

**LOWER EDUCATION**

Intellectual Learnings

**Science**

1. Campbell High, Oahu—Construct science classrooms with laboratories.

Construction	650	—	650
Total Funding	650(g)	—	650(g)

2. Kailua Intermediate, Oahu—Renovate science classrooms, install science tables.

Design	8	—	8
Construction	96	—	96
Total Funding	104(g)	—	104(g)

3. Pearl City High, Oahu—Construct science classrooms.

Construction	540	—	540
Total Funding	540(g)	—	540(g)

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Mathematics</b>			
4. Kalakaua Intermediate, Oahu—Plans for Math building.			
Design	—	32	32
Total Funding	—	32(g)	32(g)
<b>Language Arts</b>			
5. Kaiser High, Oahu—Plan and construct 18-classroom Language Arts Building.			
Design	—	30	30
Construction	—	300	300
Total Funding	—	330(g)	330(g)
<b>Social-Personal Learnings</b>			
<b>Music</b>			
6. Pearl City High, Oahu—Construct music building.			
Design	—	25	25
Construction	—	590	590
Total Funding	—	615(g)	615(g)
<b>Art</b>			
7. Kaiser High, Oahu—Plan and construct fine arts building.			
Construction	—	170	170
Total Funding	—	170(g)	170(g)
8. New Maui High and Intermediate, Maui—Plan and construct 2nd increment art classrooms.			
Design	14	—	14
Construction	—	89	89
Total Funding	14(g)	89(g)	103(g)
<b>Physical Education</b>			
9. Kailua High (New School), Oahu—Plan and construct locker/showers and athletic field.			
Construction	423	—	423
Total Funding	423(g)	—	423(g)
10. Kaiser High, Oahu—Plan and construct physical education building and outdoor courts.			
Construction	—	90	90
Total Funding	—	90(g)	90(g)
11. Kaneohe High (New School), Oahu—Plan and construct locker/showers.			
Construction	—	517	517
Total Funding	—	517(g)	517(g)
12. New Hana High and Elementary, Maui—Construct physical education locker/showers.			
Construction	250	—	250
Total Funding	250(g)	—	250(g)
13. Mililani Intermediate and High, Oahu—Construct physical education locker/showers and sitework; plan athletic field with bleachers.			

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Design	—	33	33
Construction	489	—	489
Total Funding	489(g)	33(g)	522(g)
14. Moanalua High School, Oahu—Plan and construct athletic field and grassed play area.			
Design	28	—	28
Construction	147	—	147
Total Funding	175(g)	—	175(g)
15. Pearl City High, Oahu—Plan and construct physical education and athletic facilities.			
Design	—	46	46
Construction	—	538	538
Total Funding	—	584(g)	584(g)
<b>Social Studies</b>			
16. Kaiser High, Oahu—Plan and construct social studies building.			
Construction	225	—	225
Total Funding	225(g)	—	225(g)
Economic Learnings			
<b>Practical Arts</b>			
17. Kaneohe High, Oahu—Plans and construct 9-classroom practical arts building.			
Construction	—	689	689
Total Funding	—	689(g)	689(g)
18. Mililani Intermediate and High, Oahu—Plan practical arts building.			
Design	—	50	50
Total Funding	—	50(g)	50(g)
19. Moanalua High School, Oahu—Plan and construct 5-classroom industrial arts building.			
Design	45	—	45
Construction	560	—	560
Total Funding	605(g)	—	605(g)
20. Kalakaua Intermediate, Oahu—Plan and construct homemaking and agriculture building, lathe house, parking and demolition.			
Design	33	—	33
Construction	—	365	365
Total Funding	33(g)	365(g)	398(g)
21. New Maui High and Intermediate, Maui—Plan and construct 2nd increment business and home economics center.			
Design	50	—	50
Construction	—	308	308
Total Funding	50(g)	308(g)	358(g)

Administration

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>District/School Administration</b>			
22. Kailua High, Oahu—Construct administration building.			
Construction	—	269	269
Total Funding	—	269(g)	269(g)
23. Kaiser High, Oahu—Plan and construct administration and parking area.			
Design	—	26	26
Construction	—	310	310
Total Funding	—	336(g)	336(g)
24. Pearl City High, Oahu—Plans for administrative facilities.			
Design	—	29	29
Total Funding	—	29(g)	29(g)
25. Kalakaua Intermediate, Oahu—Plans for administrative building.			
Design	—	25	25
Total Funding	—	25(g)	25(g)
26. August Ahrens Elementary, Oahu—Convert kindergarten building to administrative facilities.			
Construction	25	—	25
Total Funding	25(g)	—	25(g)
27. Pohakea Elementary, Oahu—Plan and construct administration building.			
Design	10	—	10
Construction	91	—	91
Total Funding	101(g)	—	101(g)
28. New Maui High and Intermediate, Maui—Plan and construct administration building (2nd increment).			
Design	—	22	22
Construction	—	150	150
Total Funding	—	172(g)	172(g)
29. Waimea Elementary and Intermediate, Kauai—Plan and construct administration building for intermediate school.			
Construction	342	—	342
Total Funding	342(g)	—	342(g)
<b>Support</b>			
<b>School Lunch</b>			
30. Kailua High, Oahu—Construct food preparation area and multi-purpose dining area.			
Construction	285	346	631
Total Funding	285(g)	346(g)	631(g)
31. Kaneohe High (New School), Oahu—Construct food preparation area.			
Construction	—	313	313
Total Funding	—	313(g)	313(g)

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
32. Mililani Intermediate and High, Oahu—Construct centralized kitchen and dining room.			
Construction	871	—	871
Total Funding	871(g)	—	871(g)
33. Kalakaua Intermediate, Oahu—Plan and construct cafeteria addition (2nd increment).			
Design	17	—	17
Construction	—	180	180
Total Funding	17(g)	180(g)	197(g)
34. Keolu Extension Elementary, Oahu—Supplement prior appropriations to construct serving kitchen and multi-purpose dining room.			
Construction	100	—	100
Total Funding	100(g)	—	100(g)
35. Kaalakei Valley Elementary, Oahu—Plans for serving kitchen.			
Design	14	—	14
Total Funding	14(g)	—	14(g)
36. Makalapa Elementary, Oahu—Plans and construction of kitchen.			
Design	21	—	21
Construction	—	158	158
Total Funding	21(g)	158(g)	179(g)
37. Makakilo II Elementary, Oahu—Plan and construct serving kitchen.			
Design	14	—	14
Construction	—	102	102
Total Funding	14(g)	102(g)	116(g)
38. Kamiloiki Elementary, Oahu—Plans and construction of serving, kitchen and dining facilities.			
Design	—	36	36
Construction	—	319	319
Total Funding	—	355(g)	355(g)
39. Mikilua Elementary, Oahu—Plan and construction of serving kitchen and eating area.			
Design	17	—	17
Construction	—	164	164
Total Funding	17(g)	164(g)	181(g)
40. Mililani-Waena Elementary, Oahu—Plans and construction of kitchen and sitework.			
Design	17	—	17
Construction	—	163	163
Total Funding	17(g)	163(g)	180(g)
41. Waiiau II Elementary, Oahu—Plan and construction of serving kitchen.			
Design	22	—	22
Construction	—	66	66
Total Funding	22(g)	66(g)	88(g)

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
42. Konawaena High and Intermediate, Hawaii —Construction to enlarge cafeteria, renovate kitchen.			
Construction	282	—	282
Total Funding	282(g)	—	282(g)
43. New Hana High and Elementary, Maui—Plan and construct kitchen.			
Construction	204	—	204
Total Funding	204(g)	—	204(g)
44. Koloa Elementary, Kauai—Plan and construct cafetorium with parking.			
Design	—	50	50
Construction	—	626	626
Total Funding	—	676(g)	676(g)
45. Waimea Elementary and Intermediate, Kauai —Plan and construct cafetorium.			
Construction	620	—	620
Total Funding	620(g)	—	620(g)
46. August Ahrens Elementary School—Plan and construct kitchen and multiple purpose dining facilities.			
Design	35	—	35
Construction	310	—	310
Total Funding	345(g)	—	345(g)
47. Kalaniana'ole Elementary and Intermediate— Supplemental funds for the construction of a cafetorium-multi-purpose building with stage, toilets, connecting walkway, including furniture and equipment and landscaping.			
Construction	—	165	165
Total Funding	—	165(g)	165(g)
<b>Teacher Housing</b>			
48. Plans and construction of three 3-bedroom, single story dwellings for teachers of the De- partment of Education, Hana, Maui—(To be expended by Hawaii Housing Authority.)			
Design	5	—	5
Construction	75	—	75
Total Funding	80(g)	—	80(g)
<b>Multi-Program Capital Investment</b>			
49. Lump sum capital investments funds—For con- struction and relocation of portable, minor land acquisitions, master plan, minor capital im- provements, renovations and improvements, and elimination of architectural barriers in selected schools.			
Land	150	150	300
Design	100	100	200
Construction	2,950	2,950	5,900
Total Funding	3,200(g)	3,200(g)	6,400(g)

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
50. Waiakeawaena Elementary School—Supplement to prior appropriation; construction of 10 classroom elementary building.			
Construction	331	—	331
Total Funding	331(g)	—	331(g)
51. August Ahrens Elementary School—Construct 10 classrooms, demolition of buildings E and G.			
Construction	435	—	435
Total Funding	435(g)	—	435(g)
52. August Ahrens Elementary School—Plan and construct library.			
Design	36	—	36
Construction	300	—	300
Total Funding	336(g)	—	336(g)
53. August Ahrens Elementary School—Plan and construct 8 classroom building.			
Design	20	—	20
Construction	208	—	208
Total Funding	228(g)	—	228(g)
54. Hahaione Elementary—Construction of 11 classroom building.			
Construction	480	—	480
Total Funding	480(g)	—	480(g)
55. Kaalakei Valley Elementary—Land acquisition and plans for 8 classrooms and library.			
Land	800	—	800
Design	95	—	95
Total Funding	895(g)	—	895(g)
56. Kamiloiki Elementary—Construction of 8 classrooms and library.			
Construction	377	—	377
Total Funding	377(g)	—	377(g)
57. Kamiloiki Elementary School—Construction of parking stalls.			
Construction	—	30	30
Total Funding	—	30(g)	30(g)
58. Kaonohi Elementary (Waipio), Oahu—Construction of 2nd increment; 12 classrooms with access road and parking.			
Construction	828	—	828
Total Funding	828(g)	—	828(g)
59. Keolu Extension Elementary—Supplement prior appropriation to construct 16 classrooms.			
Construction	125	—	125
Total Funding	125(g)	—	125(g)
60. Keolu Extension Elementary—Supplement prior appropriations to construct administration and library facilities. Unexpended balances in Item			

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
F-49, Act 155, SLH, 1969, to be used to supplement projects C-34, C-59, and C-60.			
Construction	200	—	200
Total Funding	200(g)	—	200(g)
61. Makakilo II Elementary—Land acquisition, plan and construct 16 classrooms.			
Land	570	—	570
Design	176	—	176
Construction	260	621	881
Total Funding	1,006(g)	621(g)	1,627(g)
62. Makakilo Elementary—Plan and construct 4 classrooms.			
Design	21	—	21
Construction	197	—	197
Total Funding	218(g)	—	218(g)
63. Makalapa Elementary—Plans and construction of 3 special classrooms.			
Design	17	—	17
Construction	—	158	158
Total Funding	17(g)	158(g)	175(g)
64. Mikilua Elementary—Plan and construct 1st increment; 16 classrooms, parking and sitework.			
Design	100	—	100
Construction	—	527	527
Total Funding	100(g)	527(g)	627(g)
65. Mikilua Elementary—Plan administration building and library.			
Design	25	—	25
Total Funding	25(g)	—	25(g)
66. Mililani-Waena (Waipio)—Construct 16 classroom building.			
Design	76	—	76
Construction	—	908	908
Total Funding	76(g)	908(g)	984(g)
67. Pohakea Elementary—Plan and construct 3 classrooms.			
Design	14	—	14
Construction	179	—	179
Total Funding	193(g)	—	193(g)
68. Waiiau II Elementary (New School)—Plan and construct 1st increment; 16 classrooms and additional funds for land acquisition.			
Land	390	—	390
Design	146	—	146
Construction	—	711	711
Total Funding	536(g)	711(g)	1,247(g)



	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
69. Koloa Elementary—Supplemental appropriation to construct 12 classroom building, integrated system.			
Construction	265	—	265
Total Funding	265(g)	—	265(g)
70. Hilo 2nd High—Plans, site improvement and construction.			
Design	50	—	50
Construction	450	—	450
Total Funding	500(g)	—	500(g)
71. Kalanianaʻole Elementary and Intermediate School, Hawaii—Supplemental funds for land acquisition.			
Land	140	—	140
Total Funding	140(g)	—	140(g)
72. New Hana High and Elementary—Construct 12 classrooms.			
Construction	355	—	355
Total Funding	355(g)	—	355(g)
73. New Maui High and Intermediate—Plan and construct 2nd increment; 8 classroom building.			
Design	36	—	36
Construction	—	241	241
Total Funding	36(g)	241(g)	277(g)
74. Campbell High—Construct 12 general classrooms.			
Construction	488	—	488
Total Funding	488(g)	—	488(g)
75. Kailua High (New School)—Construct classrooms, custodial area and sitework.			
Construction	1,967	649	2,616
Total Funding	1,967(g)	649(g)	2,616(g)
76. Kaiser High—Plan and construct large classroom building and library and forecourt.			
Design	—	50	50
Construction	—	333	333
Total Funding	—	383(g)	383(g)
77. Kaneohe High (New School)—Construct classroom with teachers' workroom.			
Construction	—	1,480	1,480
Total Funding	—	1,480(g)	1,480(g)
78. King Intermediate—Plan and construct 12 classroom building.			
Design	43	—	43
Construction	—	512	512
Total Funding	43(g)	512(g)	555(g)

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1972
79. Mililani Intermediate and High School—Construct 7 classroom building.			
Construction	723	853	1,576
Total Funding	723(g)	853(g)	1,576(g)
80. Mililani Intermediate and High—Plans for regular classrooms and library.			
Design	—	52	52
Total Funding	—	52(g)	52(g)
81. Moanalua High—Plan and construct 18 regular classrooms.			
Design	55	—	55
Construction	1,693	—	1,693
Total Funding	1,748(g)	—	1,748(g)
82. Pearl City High—Construction of 24 classrooms.			
Construction	865	—	865
Total Funding	865(g)	—	865(g)
83. Waianae Intermediate School, Oahu—Plans and construction of classrooms and site improvements, including purchase of furniture and equipment and landscaping. Unexpended funds from Item B-29, Act 38, SLH 1966 authorized for Waianae II Elementary may be used for this project.			
Construction	10	—	10
Total Funding	10(g)	—	10(g)
84. Waimea Elementary and Intermediate (Kauai)—Supplemental appropriation to complete elementary school; plan and construct 11 classrooms for intermediate school.			
Construction	2,375	—	2,375
Total Funding	2,375(g)	—	2,375(g)
<b>HIGHER EDUCATION</b>			
<b>Manoa Campus</b>			
<b>Student Services</b>			
85. University of Hawaii, Campus Center, Phase I, Manoa Campus, Oahu—Purchase of furniture and equipment. Supplemental funds to prior appropriations.			
Construction	523	—	523
Total Funding	523(g)	—	523(g)
86. University of Hawaii, Student Housing Facilities, Manoa Campus, Oahu—Plans and construction of student housing facilities with dining and kitchen facilities, including purchase of furniture and equipment and landscaping.			
Design	—	355	355
Construction	5,670	5,670	11,340
Total Funding	5,670(r)	6,025(r)	11,695(r)

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Instruction</b>			
87. University of Hawaii, Engineering Facilities, Phase I, Manoa Campus, Oahu—Purchase of furniture and equipment. Supplemental funds to prior appropriations.			
Construction	300	—	300
Total Funding	300(g)	—	300(g)
88. University of Hawaii, Chemistry Facilities, Phase I, Manoa Campus, Oahu—Purchase of furniture and equipment and landscaping. Supplemental funds to prior appropriations.			
Construction	1,070	—	1,070
Total Funding	1,070(g)	—	1,070(g)
89. University of Hawaii, Physical Sciences Facilities, Manoa Campus, Oahu—Landscaping. Supplemental funds to prior appropriations.			
Construction	46	—	46
Total Funding	46(g)	—	46(g)
90. University of Hawaii, Social Sciences Facilities, Phase I, Manoa Campus, Oahu—Construction, purchase of furniture and equipment and landscaping. Supplemental funds to prior appropriations.			
Construction	733	—	733
Total Funding	733(g)	—	733(g)
91. University of Hawaii, Relocation of Agricultural Engineering Facilities, Manoa Campus, Oahu—Construction, purchase of furniture and equipment and landscaping. Supplemental funds to prior appropriations.			
Construction	300	—	300
Total Funding	300(g)	—	300(g)
92. University of Hawaii, Music Facilities, Phase I, Manoa Campus, Oahu—Construction, purchase of furniture and equipment and landscaping. Supplemental funds to prior appropriations.			
Construction	574	—	574
Total Funding	574(g)	—	574(g)
93. University of Hawaii, General Instructional and Related Facilities, Phase I, Manoa Campus, Oahu—Construction, purchase of furniture and equipment and landscaping. Supplemental funds to prior appropriations.			
Construction	415	—	415
Total Funding	415(g)	—	415(g)
94. University of Hawaii, General Instructional and Related Facilities, Phase II, Manoa Campus, Oahu—Construction and landscaping of a general purpose building for classrooms, semi-			

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
nar rooms and offices, including purchase of furniture and equipment.			
Construction	2,652	260	2,912
Total Funding	2,652(g)	260(g)	2,912(g)
95. University of Hawaii Improvements to Physical Education Facilities, Manoa Campus, Oahu—Incremental planning and construction of improvements to provide facilities for the physical education, intramural, and athletic programs.			
Design	15	15	30
Construction	135	135	270
Total Funding	150(g)	150(g)	300(g)
96. University of Hawaii, Physical Education Facilities, Manoa Campus, Oahu—Plans for facilities to serve the programs of the Department of Health and Physical Education, including Intramurals, and the Department of Athletics.			
Design	306	—	306
Total Funding	306(g)	—	306(g)
97. University of Hawaii, New Auditorium Building, Manoa Campus, Oahu—Construction and landscaping of a 1,000 seat auditorium.			
Construction	—	1,762	1,762
Total Funding	—	1,762(g)	1,762(g)
98. University of Hawaii, New School of Nursing Building, Manoa Campus, Oahu—Plans for a new facility to house the programs of the School of Nursing.			
Design	—	136	136
Total Funding	—	68(g)	68(g)
	—	68(f)	68(f)
99. University of Hawaii, Field Laboratory for Agronomy and Soil Science, Manoa Campus, Oahu—Plans, construction and purchase of equipment.			
Design	—	7	7
Construction	—	43	43
Total Funding	—	50(g)	50(g)
100. University of Hawaii, Replacement of Glasshouse, Manoa Campus, Oahu—Plans and construction of glasshouse to replace one being demolished under the Campus Center project.			
Design	—	15	15
Construction	—	108	108
Total Funding	—	123(g)	123(g)
101. University of Hawaii, Renovation of the Biomedical Sciences Facilities for the Department of Biochemistry and Biophysics, Manoa Campus, Oahu—Plans and construction for the renovation of the fourth and seventh floors.			

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Design	—	15	15
Construction	—	105	105
Total Funding	—	120(g)	120(g)
102. University of Hawaii, Modernization of Old Quadrangle Buildings, Phase I, Manoa Campus, Oahu—Plans for the renovation of existing buildings to update obsolete facilities.			
Design	—	60	60
Total Funding	—	60(g)	60(g)
103. University of Hawaii, Facilities for Social Sciences and Related Activities, Manoa Campus, Oahu—Plans for addition to complete the Social Sciences Complex.			
Design	—	196	196
Total Funding	—	196(g)	196(g)
104. University of Hawaii, Engineering Facilities, Phase II, Manoa Campus, Oahu—Plans for an Engineering Building addition containing laboratory and office space, general classroom and seminar rooms.			
Design	—	545	545
Total Funding	—	545(g)	545(g)
<b>Academic Support</b>			
105. University of Hawaii, Minor Land Acquisition, Manoa Campus, Oahu—Continuing acquisition of lands adjoining the Manoa Campus.			
Land	50	—	50
Total Funding	50(g)	—	50(g)
106. University of Hawaii, Makai Campus Drainage, Manoa Campus, Oahu—Construction of a drainage system for the quarry area.			
Construction	—	1,820	1,820
Total Funding	—	1,820(g)	1,820(g)
<b>Auxiliary Services</b>			
107. University of Hawaii, Transportation Services Facilities, Manoa Campus, Oahu—Plans, construction and equipment for facilities for automotive and equipment maintenance and repair shop.			
Design	—	14	14
Construction	—	92	92
Total Funding	—	106(g)	106(g)
108. University of Hawaii, Parking Structures, Phase I & II, Manoa Campus, Oahu—Construction.			
Construction	—	4,500	4,500
Total Funding	—	4,500(r)	4,500(r)
<b>Research</b>			
109. Oceanographic Expeditionary Center, Snug Harbor, Phase I, Honolulu, Oahu—Construction			

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
of the first phase, including purchase of furniture and equipment and landscaping.			
Construction	3,000	—	3,000
Total Funding	3,000(g)	—	3,000(g)
110. Hawaii Institute of Marine Biology Improvements, Coconut Island, Oahu—Incremental development of minor facilities, roads, utilities and site.			
Design	—	41	41
Construction	—	275	275
Total Funding	—	316(g)	316(g)
111. Oceanographic and Marine Laboratory, Manoa Campus, Honolulu, Oahu—Planning.			
Design	—	228	228
Total Funding	—	228(g)	228(g)
112. University of Hawaii, Astronomy Facilities, Manoa Campus, Oahu—Construction and landscaping of first phase containing offices, laboratories, workshops, seminar rooms, conference and reading rooms.			
Construction	—	2,000	2,000
Total Funding	—	2,000(g)	2,000(g)
113. Mauna Kea Observatory Development, Hawaii—Construction and purchase of furniture and equipment for mid-level facilities. Plans for sea-level facilities.			
Design	—	24	24
Construction	442	—	442
Total Funding	442(g)	24(g)	466(g)
<b>Hilo College</b>			
<b>Administration</b>			
114. Hilo College, Administration-Classroom Building, Hilo, Hawaii—Construction, purchase of furniture and equipment and landscaping. Supplemental funds to prior appropriation.			
Construction	165	—	165
Total Funding	165(g)	—	165(g)
<b>Student Services</b>			
115. Hilo College, Student Health Center, Hilo, Hawaii—Plans and construction of a Student Health Center, to include dispensary, wards and nurses' office, purchase of furniture and equipment, and landscaping.			
Design	36	—	36
Construction	—	328	328
Total Funding	36(g)	328(g)	364(g)
116. Hilo College, Student Housing Facilities, Phase III, Hilo, Hawaii—Construction and land-			

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
scaping, including purchase of furniture and equipment.			
Construction	1,958	288	2,246
Total Funding	1,958(r)	288(r)	2,246(r)
117. Hilo College, Student Housing Facilities, Phase IV, Hilo, Hawaii—Plans.			
Design	—	344	344
Total Funding	—	344(r)	344(r)
<b>Instruction</b>			
118. Hilo College, Classroom Building No. 3, Hilo, Hawaii—Purchase of furniture and equipment.			
Construction	150	—	150
Total Funding	150(g)	—	150(g)
119. Hilo College, Fine Arts Building, Hilo, Hawaii—Construction and landscaping, including purchase of furniture and equipment.			
Construction	690	68	758
Total Funding	690(g)	68(g)	758(g)
120. Hilo College, Portable Classroom and Office Buildings, Phase IV, Hilo, Hawaii—Plans and construction.			
Design	9	—	9
Construction	201	—	201
Total Funding	210(g)	—	210(g)
121. Hilo College, Classroom Building No. 4, Hilo, Hawaii—Plans.			
Design	—	120	120
Total Funding	—	120(g)	120(g)
<b>Academic Support</b>			
122. Hilo College, Auditorium-Theater, Phase II, Hilo, Hawaii—Construction and landscaping, including purchase of furniture and equipment.			
Construction	—	806	806
Total Funding	—	806(g)	806(g)
Honolulu Community College			
<b>Administration</b>			
123. Honolulu Community College, Administration Building, Oahu—Construction and purchase of furniture and equipment.			
Construction	750	80	830
Total Funding	750(g)	80(g)	830(g)
<b>Student Services</b>			
124. Honolulu Community College, Campus Center, Oahu—Construction of the Campus Center building which will provide food services, bookstore services, spaces for student government, activities and recreation and a combination lec-			

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
ture room-auditorium, including purchase of furniture and equipment.			
Construction	1,400	150	1,550
Total Funding	1,400(g)	150(g)	1,550(g)
<b>Instruction</b>			
125. Honolulu Community College, Construction of Technology Building, Oahu—Construction of a building to provide shops, classrooms and work spaces for construction related programs such as carpentry, masonry, air-conditioning, and painting, including the apprentice trades programs. Equipment for the Technology building. Land acquisition and plans for the second phase.			
Land	—	450	450
Design	—	200	200
Construction	1,200	—	—
Total Funding	1,200(g)	650(g)	1,850(g)
126. Honolulu Community College, Modernization and Renovation of Existing Facilities, Oahu—Plans and construction to renovate and modernize existing facilities to meet program requirements, including science laboratories, classrooms, furniture and equipment.			
Design	—	10	10
Construction	—	90	90
Total Funding	—	100(g)	100(g)
<b>Operation and Maintenance</b>			
127. Honolulu Community College, Site Development and Landscaping, Oahu—Incremental site-work and landscaping, including the demolition of existing buildings, and the construction of service roads and parking.			
Design	—	25	25
Construction	—	275	275
Total Funding	—	300(g)	300(g)
<b>Multi-Program Capital Improvement</b>			
128. Honolulu Community College, Library-Classroom Building Equipment, Oahu—Purchase of furniture and equipment. Supplemental funds to prior appropriations.			
Construction	350	—	350
Total Funding	350(g)	—	350(g)
Kapiolani Community College			
<b>Operation and Maintenance</b>			
129. Kapiolani Community College, Modifications to Existing Facilities, Oahu—Incremental plans and construction for the modifications of existing facilities.			
Design	10	—	10



	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Construction	55	55	110
Total Funding	65(g)	55(g)	120(g)
Leeward Community College			
<b>Instruction</b>			
130. Leeward Community College, Classroom Facilities and Auditorium "F-2" & "F-3", Oahu—Purchase of furniture and equipment. Supplemental funds to prior appropriations.			
Construction	195	—	195
Total Funding	195(g)	—	195(g)
131. Leeward Community College, General Instructional Facilities "C-3", Oahu—Construction of classroom building "C-3", including purchase of furniture and equipment.			
Construction	886	50	936
Total Funding	886(g)	50(g)	936(g)
132. Leeward Community College, General Instructional Facilities "J-2", Oahu—Plans and construction.			
Design	81	—	81
Construction	—	1,170	1,170
Total Funding	81(g)	1,170(g)	1,251(g)
<b>Operations and Maintenance</b>			
133. Leeward Community College, Maintenance and Operations Facility, Oahu—Plans and construction.			
Design	10	—	10
Construction	—	100	100
Total Funding	10(g)	100(g)	110(g)
Maui Community College			
<b>Administration</b>			
134. Maui Community College, Administration Building, Wailuku, Maui—Construction and purchase of furniture and equipment.			
Construction	—	316	316
Total Funding	—	316(g)	316(g)
<b>Student Services</b>			
135. Maui Community College, Dormitories, Wailuku, Maui—Plans and construction and purchase of furniture and equipment.			
Design	6	—	6
Construction	370	—	370
Total Funding	376(r)	—	376(r)
<b>Instruction</b>			
136. Maui Community College, Additional Classrooms, Wailuku, Maui—Plans, construction and purchase of furniture and equipment.			
Design	15	—	15
Construction	—	163	163
Total Funding	15(g)	163(g)	178(g)

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Kauai Community College</b>			
<b>Instruction</b>			
137. Kauai Community College, Classrooms and Faculty Offices, Lihue, Kauai—Plans and construction of classrooms and faculty offices at existing or new site, including the air conditioning of the new library building.			
Design	8	—	8
Construction	77	—	77
Total Funding	85(g)	—	85(g)
<b>Hawaii Community College</b>			
<b>Instruction</b>			
138. Hawaii Community College, Agricultural Technology Building, Hilo, Hawaii—Plans and construction, including purchase of furniture and equipment. Prior and new appropriation for the Hawaii Community College may be expended at the present site or at the proposed new site adjoining the Hilo College.			
Design	15	—	15
Construction	165	32	197
Total Funding	180(g)	32(g)	212(g)
<b>Instruction</b>			
139. Hawaii Community College, Shops and Classroom Building, Hilo, Hawaii—Plans and construction, including purchase of furniture and equipment.			
Design	38	—	38
Construction	—	438	438
Total Funding	38(g)	438(g)	476(g)
<b>Operations and Maintenance</b>			
140. Hawaii Community College, Site Development Including Landscaping, Hilo, Hawaii—Plans and construction for parking, roadways, lighting, landscaping and utilities.			
Design	74	—	74
Construction	658	—	658
Total Funding	732(g)	—	732(g)
<b>East Honolulu Community College</b>			
<b>Instruction</b>			
141. East Honolulu Community College, Development of Campus, Oahu—Plans.			
Design	—	500	500
Total Funding	—	500(g)	500(g)
<b>Academic Planning</b>			
142. University of Hawaii, Master Planning—Master planning of facilities to accommodate expanded enrollment of the University system. (To be expended by the University of Hawaii.)			

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Design	200	—	200
Total Funding	200(g)	—	200(g)
Institutional Direction and Support			
<b>Vice-President for Business Affairs</b>			
143. University of Hawaii, University System Planning, Statewide—Plans and studies to determine the needs for additional campuses, impact studies, evaluation of sites and master planning. (Funds to be expended by the University of Hawaii.)			
Design	100	—	100
Total Funding	100(g)	—	100(g)
144. University of Hawaii, Major C.I.P. Planning, Statewide—Studies, research and planning of major facilities and utilities preparatory to seeking State and/or Federal funds on specific projects. (Funds to be expended by the University of Hawaii.)			
Design	150	150	300
Total Funding	150(g)	150(g)	300(g)
145. University of Hawaii, General Utilities, Roads and Site Improvements, Statewide—Incremental planning and construction of utilities, roads and site improvements on the various University of Hawaii campuses, centers and other support areas.			
Design	70	70	140
Construction	680	680	1,360
Total Funding	750(g)	750(g)	1,500(g)
146. University of Hawaii, Minor C.I.P. Projects, Statewide—Plans, construction and equipping of minor improvements, including the construction of new facilities as well as modifications to existing structures.			
Design	30	30	60
Construction	270	270	540
Total Funding	300(g)	300(g)	600(g)

## CONTINUING EDUCATION

## Public Service

**Hawaii ETV Network**

147. University of Hawaii ETV Production Building, Phase I, Manoa Campus, Oahu—Purchase of furniture and equipment and landscaping.

Construction	934	—	934
Total Funding	934(g)	—	934(g)

**Leahi Hospital**

148. Leahi Hospital, Alterations and Additions for the Sections of Tropical Medicine and Medical Microbiology, Oahu—Construction and pur-

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
chase of equipment for additional animal facilities and renovation of laboratories.			
Construction	170	—	170
Total Funding	170(g)	—	170(g)
149. Leahi Hospital, Animal House Extension, Oahu—Construction and purchase of equipment.			
Construction	222	—	222
Total Funding	222(g)	—	222(g)
150. Leahi Hospital, Modernization of Trotter Building, Oahu—Plans and construction for improvements to meet health and safety standards.			
Design	24	—	24
Construction	—	176	176
Total Funding	24(g)	176(g)	200(g)
151. Leahi Hospital, Land Acquisition, Oahu—Incremental acquisition of privately owned land and improvements.			
Land	300	—	300
Total Funding	300(g)	—	300(g)

**D. GOVERNMENT DIRECTION AND SUPPORT SERVICES**

**PUBLIC WORKS**

**Multi-Program Capital Improvements**

1. Remodeling and Upgrading State Office Spaces, Statewide—Plans and construction for remodeling and upgrading space, including air conditioning of offices utilized by State agencies.

Design	39	32	71
Construction	461	—	461
Total Funding	500(g)	32(g)	532(g)

2. Advance Planning Funds, Statewide—Planning funds to assist User Agencies in preparing C.I.P., preparation of D.A.G.S. C.I.P., preparing Systems Development Reports, Space Development Reports, Project Development Reports, Site Selection Reports, Staff Studies and review and updating existing reports; review and analysis of completed projects as part of the continuing feed back and updating program.

Design	—	100	100
Total Funding	—	100(g)	100(g)

**Oahu**

3. State Capitol Complex, Purchase of Capitol Annex Block, Honolulu, Oahu—Purchase of Capitol Annex Block bound by Beretania, Kapiolani Extension, Hotel and Punchbowl Streets.

Land	598	1,890	2,488
Total Funding	598(g)	1,890(g)	2,488(g)

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
4. State Capitol Complex, New State Office Building No. 1, Honolulu, Oahu—Plans and construction of a building to house State agencies, including work on Beretania Street, demolition of existing buildings, and underground parking garage.			
Design	167	—	167
Construction	6,658	893	7,551
Total Funding	6,825(g)	893(g)	7,718(g)
5. State Capitol Complex, Vineyard Street Garage, Honolulu, Oahu—Land acquisition, plans and construction for an off-street garage for the Mauka portion of the Capitol Complex.			
Land	765	—	765
Design	132	—	132
Construction	—	2,597	2,597
Total Funding	897(g)	2,597(r)	897(g) 2,597(r)
6. Shafter Flats Development, Honolulu, Oahu—Plans and construction of facilities for the Central Services Division, the Surplus Property Branch and the Archives Division (Record Storage); and construction of a parking structure.			
Design	—	150	150
Construction	—	1,040	1,040
Total Funding	—	1,190(g)	1,190(g)
7. Kaneohe Civic Center, Kaneohe Office Building, Koolaupoko, Oahu—Land acquisition and plans for new building to provide office space for various State agencies in the Kaneohe Civic Center.			
Land	—	34	34
Design	—	85	85
Total Funding	—	119(g)	119(g)
8. Honolulu Civic Center, New State Office Building No. 2, Honolulu, Oahu—Plans for an office building in the Mililani Mall Block to house State agencies makai of King Street.			
Design	—	80	80
Total Funding	—	80(g)	80(g)
9. Wahiawa Civic Center, Wahiawa, Oahu—Land acquisition and plans for the new Wahiawa State Office Building for various State agencies.			
Land	—	5	5
Design	—	11	11
Total Funding	—	16(g)	16(g)

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
10. Wailuku Civic Center, Addition to Wailuku State Office Building, Wailuku, Maui—Construction of the 4th floor to the Wailuku State Office Building.			
Design	8	—	8
Construction	503	—	503
Total Funding	511(g)	—	511(g)
11. Wailuku Civic Center, Additional Parking, Maui—Construction and landscaping of on-surface parking to provide State employee and public parking.			
Construction	64	—	64
Total Funding	64(g)	—	64(g)
12. Kaunakakai Civic Center, Molokai—Land acquisition for a new State Office Building.			
Land	—	30	30
Total Funding	—	30(g)	30(g)
13. Molokai Civic Center, County of Maui Project, Molokai—Land acquisition and plans.			
Land	—	135	135
Design	—	15	15
Total Funding	—	75(g)	75(g)
	—	75(c)	75(c)
14. Hilo Civic Center, New Parking Garage, Hilo State Office Building, Hilo, Hawaii—Plans and construction of a new parking garage.			
Design	10	—	10
Construction	635	—	635
Total Funding	645(g)	—	645(g)
15. Kona Multi-Agency Maintenance and Service Facility, Kona, Hawaii—Plans and construction for a multi-agency building to house D.A.G.S. Maintenance Facilities, school buses, Department of Transportation and Department of Health.			
Land	14	—	14
Design	46	—	46
Construction	—	552	552
Total Funding	60(g)	552(g)	612(g)
16. Kona Civic Center, South Kona, Hawaii—Plans and construction for a parking lot.			
Design	—	2	2
Construction	—	13	13
Total Funding	—	15(g)	15(g)
17. Capitol Mall, State Capitol Complex, Honolulu, Oahu—Plans and construction of a mall on Hotel Street between Punchbowl and Richards Streets.			
Design	16	—	16

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Construction	119	—	119
Total Funding	135(g)	—	135(g)
18. North Kohala Civic Center, Hawaii—Land acquisition for a civic center complex.			
Land	30	—	30
Total Funding	30(g)	—	30(g)
<b>E. HEALTH</b>			
<b>MENTAL RETARDATION</b>			
Institutional Facilities			
<b>Maintenance and Productions</b>			
1. Waimano Training School and Hospital, Pearl City, Oahu—Plans and construction of butler-type building for central storage of institution supplies and equipment and to provide central location for Housekeeping section.			
Design	5	—	5
Construction	62	—	62
Total Funding	67(g)	—	67(g)
<b>MENTAL HEALTH</b>			
<b>Patient Care</b>			
2. Hawaii State Hospital, Kaneohe, Oahu—Remodel buildings to modernize and convert them into suitable educational residential facilities.			
Construction	—	426	426
Total Funding	—	426(g)	426(g)
3. Hawaii State Hospital, Kaneohe, Oahu—Renovation of existing Kanaloa Ward and add new pavilions for patients sleeping and primary social space.			
Construction	29	—	29
Total Funding	29(g)	—	29(g)
<b>Plant Operations</b>			
4. Hawaii State Hospital, Kaneohe, Oahu—Construction of new tile building for auxiliary generator power plant.			
Construction	1	—	1
Total Funding	1(g)	—	1(g)
5. Hawaii State Hospital, Kaneohe, Oahu—Renovate the former Medical Laboratory, Hydrotherapy and seclusion facilities of Eckerdt Building to provide additional offices and conference room space.			
Construction	1	—	1
Total Funding	1(g)	—	1(g)
6. Hawaii State Hospital, Kaneohe, Oahu—Installations of new underground telephone duct system.			
Construction	1	—	1
Total Funding	1(g)	—	1(g)

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
7. Hawaii State Hospital, Kaneohe, Oahu—Conversion of manual electric generator to automatic and new generator housing.			
Construction	1	—	1
Total Funding	1(g)	—	1(g)
<b>COMMUNICABLE DISEASE</b>			
Leprosy Control and Treatment			
<b>Kalaupapa Settlement</b>			
8. Twenty bed infirmary—Molokai—Plans to replace old frame construction infirmary with permanent fire resistant building for treatment and care of leprosy patients.			
Design	50	—	50
Construction	—	802	802
Total Funding	50(g)	802(g)	852(g)
Tuberculosis Control and Treatment			
<b>Outpatient and Clinical Services</b>			
9. Equipment and furniture for a new health center.			
Construction	60	—	60
Total Funding	60(g)	—	60(g)
<b>MULTI-PROGRAM CAPITAL IMPROVEMENT</b>			
10. Plans and construction, equipment and landscaping including land acquisition for a new Leeward Community health center to house the Mental Health Division, Dental Health Division, Public Health Nursing Branch, Health Education office, Children's Service Division and Communicable Disease Division.			
Construction	904	—	904
Total Funding	904(g)	—	904(g)
11. Construction of a new health center, including equipment and landscaping to house the Diamond Head Mental Health Center, the Alcoholism Clinic, Convalescent Center, Preventive and Clinical Services, Correction and family court, childrens health service, Public Health Nursing, Dental and Health Education.			
Construction	—	2,650	2,650
Total Funding	—	2,650(g)	2,650(g)
<b>MEDICAL HEALTH</b>			
<b>Laboratory Services</b>			
12. Plans and construction for a new laboratory, including office, toilet, lockers and small pathological incinerator to be elevated to utilize lower level for car parking. Approximately 2,600 square feet to be completely air conditioned.			
Construction	—	360	360
Total Funding	—	360(g)	360(g)



Total  
Biennium  
FY  
1971-1973

FY  
1971-1972      FY  
1972-1973

**PUBLIC (STATE/COUNTY) HOSPITALS**

**Maluhia Hospital**

13. Completion of the second phase in the renovation of the existing building.

Construction	1,600	100	1,700
Total Funding	1,600(g)	100(g)	1,700(g)

**Samuel Mahelona Memorial Hospital**

14. Purchase and installation of two boilers and two 1,000 gallons hot water generating and storage tanks, and three fuel storage tanks (to replace existing boilers and tanks, including site preparation.)

Design	2	—	2
Construction	70	—	70
Total Funding	72(g)	—	72(g)

**Maui Memorial Hospital**

15. Plans and construction of a new passageway connecting the South end of the main hospital building with the South end of the convalescent unit.

Design	—	10	10
Construction	—	100	100
Total Funding	—	110(g)	110(g)

16. Plans and construction of a new South wing.

Construction	25	1,680	1,705
Total Funding	25(g)	1,680(g)	1,705(g)

**Kula Sanatorium and General Hospital**

17. Modernization of non-conforming beds and facilities.

Construction	—	545	545
Total Funding	—	545(g)	545(g)

**Kona Hospital**

18. Construct and equip a new 90-bed hospital.

Construction	3,000	—	3,000
Total Funding	3,000(g)	—	3,000(g)

**Hilo Hospital**

19. Hilo Hospital, Hilo, Hawaii—Plans for the construction of additions, renovations, and remodeling of medical and ancillary facilities.

Design	601	—	601
Total Funding	601(g)	—	601(g)

**F. HUMAN RESOURCES**

**SOCIAL WELFARE**

**Aid to Blind and Visually Handicapped**

1. Vocational Rehabilitation Facilities Development Program, Statewide—Preliminary plans for site selection and for construction of facilities to accommodate work evaluation and training programs for handicapped residents.

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Design	50	—	50
Total Funding	50(g)	—	50(g)
<b>AID TO PERSONS OF HAWAIIAN DESCENT</b>			
<b>Residential Development and Assistance</b>			
2. Nanakuli, Oahu. To put in roads, curbing, water and electrical lines for 430 new residence lots in increments of 110, 110, 110, and 100. To provide loan fund capitalization for construction of 112 houses.			
Design	50	—	50
Construction	830	250	1,080
Total Funding	850(g) 30(s)	250(g)	1,100(g) 30(s)
3. Panaewa, Hawaii. To build roads, install utilities and survey and stake out for 120 residence lots at Panaewa, Hawaii in three increments of 40 each. To provide loan Fund capitalization for construction loans for 23 homes.			
Design	25	—	25
Construction	295	—	295
Total Funding	310(g) 10(s)	—	310(g) 10(s)
4. Statewide—All Homesteads Eligible To provide additional capitalization of revolving loan fund for home maintenance loans.			
Construction	250	250	500
Total Funding	250(g)	250(g)	500(g)
5. Panaewa, Hawaii Completion of a 6 acre playground in the Panaewa Subdivision to provide recreational facilities for the children of that area.			
Construction	80	—	80
Total Costs	70(g) 10(s)	—	70(g) 10(s)
6. Waianae, Oahu. To build roads and curbing, install utilities and survey and stake out for 307 residence lots at Waianae, Oahu in increments of 150, 100, and 57. To provide Loan Fund capitalization for construction loans for 107 houses.			
Design	—	55	55
Construction	—	1,749	1,749
Total Funding	—	1,764(g) 40(s)	1,764(g) 40(s)
7. Waimanalo, Oahu. To put in roads, curbing, water and electrical lines for 80 additional residential lots, and to provide loans for home construction.			
Construction	—	263	263
Total Funding	—	263(g)	263(g)

	FY	FY	Total
	1971-1972	1972-1973	Biennium
			FY
			1971-1973
8. Kuhio Village, South Kohala, Hawaii. To build roads and curbing, install utilities and survey and stake out for 40 residence lots at Kuhio Village, Hawaii and to provide loan capitalization for construction loans for 15 houses.			
Design	—	30	30
Construction	—	553	553
Total Funding	—	573(g)	573(g)
		10(s)	10(s)

**Agricultural Development and Assistance**

9. Puukapu, South Kohala, Hawaii. To build roads and install utilities and survey and stake out 9 farm lots at Puukapu, Hawaii.			
Design	—	15	15
Construction	—	165	165
Total Funding	—	180(g)	180(g)

Rental Development and Assistance (to be expended by Hawaii Housing Authority)

**Public Housing**

10. Public Housing Projects, Oahu—200 dwellings, 2 to 5 bedrooms for families. Sites under study, to be selected in area dictated by price and market.			
Land	600	—	600
Design	200	—	200
Construction	3,800	—	3,800
Total Funding	4,600(r)	—	4,600(r)
11. Public Housing Projects, Oahu—325 dwellings, 2 to 5 bedrooms for families. Sites under study, to be selected in area dictated by price and market.			
Land	—	975	975
Design	—	325	325
Construction	—	6,175	6,175
Total Funding	—	7,475(r)	7,475(r)

**G. HUMAN RIGHTS AND JUSTICE**

**CRIME PREVENTION AND CONTROL**

Corrections

**Kulani Honor Camp**

1. Kulani Honor Camp, Hilo, Hawaii—FY 1971-1972, Plans for chapel for maximum of 120 inmates. (FY 1972-73 Construction, FY 1973-74 Construction, purchase furniture and equipment.) FY 1972-73, Plans for office for administrator, business office, operations and correctional service, classrooms for training and counseling. FY 1972-1973, Improvements to Stainback Highway.			
Design	2	25	27
Construction	—	177	177
Total Funding	2(g)	202(g)	204(g)

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Adult Furlough Center</b>			
2. Hawaii adult furlough center, Honolulu Construction at the Hawaii State Prison site to accommodate maximum of 40 prisoners and two live-in graduate students.			
Construction	412	10	422
Total Funding	412(g)	10(g)	422(g)
<b>Olinda Honor Camp</b>			
3. Construction and purchase of furniture, equipment for addition to Administration Section of present buildings to be used as chapel to service all inmates' religious needs.			
Construction	50	—	50
Total Funding	50(g)	—	50(g)
<b>ELECTIONS ADMINISTRATION</b>			
4. Voting Machine Storage Shed, County of Kauai Project, Kauai—Construction of storage facility.			
Design	4	—	4
Construction	36	—	36
Total Funding	40(g)	—	40(g)
<b>COURTS</b>			
<b>District Courts of Maui</b>			
5. District Court of Molokai Plans for 2,400 square feet court facility for Molokai District in Kaunakakai Civic Center.			
Design	—	21	21
Total Funding	—	21(g)	21(g)
<b>District Courts of Hawaii</b>			
6. District Court of South Kohala, Hawaii Plans for 2,500 square feet court facility for South Kohala District, Waimea Civic Center.			
Design	—	16	16
Total Funding	—	16(g)	16(g)
7. Kona District Court, Captain Cook, Hawaii Plans and construction, improve accoustical qualities.			
Design	1	—	1
Construction	12	—	12
Total Funding	13(g)	—	13(g)
District Courts of Honolulu			
<b>Rural District Courts</b>			
8. District Court of Koolaupoko, Kaneohe Plans for 10,000 square feet facility in Kaneohe Civic Center.			
Design	13	—	13
Construction	—	506	506
Total Funding	13(g)	506(g)	519(g)

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
<b>Judicial Services</b>			
9. District Court of Honolulu Plans for 1st increment (52,000 square feet.)			
Design	—	202	202
Total Funding	—	202(g)	202(g)
<b>DISASTER PREVENTION AND AMELIORATION</b>			
<b>Departmental Administration</b>			
10. Department of Defense, Diamond Head Crater Improvements, Oahu—Plans for development in accordance with the recommendations of the Diamond Head Crater Task Force.			
Design	57	—	57
Total Funding	57(g)	—	57(g)
<b>Army National Guard</b>			
11. Hawaii Army National Guard, Vehicle Storage Building, Paukukalo, Maui—Relocation of a standard pre-fabricated metal vehicle storage building from its present location on Hawaiian Home Lands and reconstruction at a new location inside the Hawaii Army National Guard organizational maintenance compound.			
Design	—	5	5
Construction	—	45	45
Total Funding	—	50(g)	50(g)
12. Hawaii Army National Guard, Two-Unit Armory, Ewa, Oahu—Plans and construction for a special designed two-unit armory facility or permanent masonry type construction, including all utilities and other supporting items.			
Land	—	80	80
Design	—	45	45
Construction	—	665	665
Total Funding	—	345(g) 445(f)	345(g) 445(f)
13. Department of Defense, Battery 407, Fort Ruger, Oahu—Construction of improvements to the underground emergency operations center for the Hawaii Area Command, including electrical modifications, additional lighting facilities, ventilation, cooking facilities, and emergency back-up electrical power.			
Design	2	—	2
Construction	23	—	23
Total Funding	25(g)	—	25(g)
14. Hawaii Army National Guard, Kaneohe Armory /Gymnasium at King Intermediate School, Kaneohe, Oahu—planning and construction of a combination parking lot and recreational area, construction and equipping of basketball, volleyball, and tennis courts, and fencing.			

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Design	3	—	3
Construction	32	—	32
Total Funding	35(g)	—	35(g)
<b>15. Hawaii Army National Guard, Combined Armory and Army Aviation Maintenance Shop, Oahu—Plans and construction of a special designed combination armory and Army aviation maintenance shop of permanent steel and masonry construction, including all utilities, construction of a flammable materials storage building, and all outside work consisting of hangar ramp area, aircraft wash area, taxiway, fuel dispensing system, vehicle parking area, access road and chain link security fencing.</b>			
Design	35	—	35
Construction	403	—	403
Total Funding	80(g)	—	80(g)
	358(f)	—	358(f)
<b>Civil Defense</b>			
<b>16. Kauai Civil Defense Emergency Operating Center, County of Kauai Project, Lihue, Kauai—Construction to enlarge existing facility in accordance with Federal criteria, including landscaping and other improvements.</b>			
Construction	138	4	142
Total Funding	35(g)	—	35(g)
	34(c)	4(c)	38(c)
	69(f)	—	69(f)
<b>17. Kauai Civil Defense Communications System, County of Kauai Project, Kauai—To improve the communications system serving the Police Department, Fire Department, Civil Defense Agency and mobile units, including those assigned to the Public Works Department, Water Department, State District Engineer and State Forestry Division.</b>			
Construction	25	—	25
Total Funding	8(g)	—	8(g)
	17(c)	—	17(c)
<b>18. Department of Defense, Battery Hauling and Radio Hut, Diamond Head Crater, Oahu—Installation of emergency power to assure a continuous means of communication in the State-wide emergency radio communication system. (That the 10 state funds be reimbursed by 5 federal funds.)</b>			
Construction	10	—	10
Total Funding	10(g)	—	10(g)
	(5(f))	—	(5(f))
<b>19. Department of Defense, Replacement of Disaster Warning Sirens, Statewide—Incremental re-</b>			

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
placement of warning sirens worn-out and un-serviceable due to age, use and exposure. (That the 43 state funds be reimbursed by 21 federal funds; 1971-72, 13(f) and 1972-73, 8(f)).			
Construction	27	16	43
Total Funding	27(g) (13(f))	16(g) (8(f))	43(g) (21(f))
20. Department of Defense, Additional Disaster Warning Sirens, Statewide—Incremental installation of additional sirens to expand the coverage of warning signals. (That the 106 state funds be reimbursed by 53 federal funds; 1971-72, 26(f) and 1972-73, 27(f)).			
Construction	53	53	106
Total Funding	53(g) (26(f))	53(g) (27(f))	106(g) (53(f))
21. Department of Defense, Adaptability Design and Installation of Radio Controlled Siren Warning System, Statewide—Complete the adaptability design and the Oahu control system. (That the 162 state funds be reimbursed by 81 federal funds; 1971-72, 6(f) and 1972-73, 75(f)).			
Design	12	—	12
Construction	—	150	150
Total Funding	12(g) (6(f))	150(g) (75(f))	162(g) (81(f))

**H. TRANSPORTATION**

**AIRPORTS**

O & M and Improvements (To be expended by the Department of Transportation)

**Statewide**

1. Statewide Airport Planning, Statewide—Airport studies, research, and advance planning of airfield and terminal facilities.

Design	145	145	290
Construction	5	5	10
Total Funding	150(s)	150(s)	300(s)

2. Statewide Airport Certification—Procurement of fire and rescue and other required equipment for the statewide system of airports and miscellaneous airport improvements.

Construction	555	498	1,053
Total Funding	555(s)	498(s)	1,053(s)

**Oahu**

3. Honolulu International Airport, Honolulu, Oahu—Second phase construction of Runway 8R-26L, armor stone paving, lighting and marking. Completion of international arrivals building, additional 747 gates and holding rooms, mis-

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
cellaneous terminal improvements, cargo facilities, airfield improvements and land acquisition. Alterations to ticket lobby, holding room, baggage claim, administration building, additional loading bridges for "Y" concourse; roads and parking improvements; sewer system at the south ramp and other miscellaneous improvements.			
Land	1,800	—	1,800
Design	2,426	960	3,386
Construction	29,057	18,460	47,517
Total Funding	9,460(a)	9,460(a)	18,920(a)
	5,265(s)	2,660(s)	7,925(s)
	15,568(r)	6,650(r)	22,218(r)
	2,990(f)	650(f)	3,640(f)
<b>4. General Aviation Airport, Oahu—Construct taxiway and apron. Construct tee hangars, terminal facilities, and other miscellaneous improvements.</b>			
Design	50	—	50
Construction	735	—	735
Total Funding	685(s)	—	685(s)
	100(f)	—	100(f)
<b>Hawaii</b>			
<b>5. Upolu Airport, North Kohala, Hawaii—Resurface runway.</b>			
Design	20	—	20
Construction	230	—	230
Total Funding	250(a)	—	250(a)
<b>Maui</b>			
<b>6. Kahului Airport, Kahului, Maui—Grading, paving, landscaping and lighting access roadway, underground utilities and other improvements. Construct new maintenance facilities.</b>			
Design	25	—	25
Construction	550	—	550
Total Funding	575(a)	—	575(a)
<b>HARBORS</b>			
<b>O &amp; M and Improvements (To be expended by the Department of Transportation)</b>			
<b>Statewide</b>			
<b>7. Statewide Harbor Planning, Statewide—Continuing harbor studies, research and advance planning of harbor and terminal facilities on all islands.</b>			
Design	40	20	60
Total Funding	40(s)	20(s)	60(s)
<b>Oahu</b>			
<b>8. Incremental Acquisition of Private Properties and Facilities, Honolulu Harbor, Oahu—Financing the acquisition of former DILCO proper-</b>			



	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
ties and facilities and Pier 30 from Standard Oil Company.			
Land	3,613	400	4,013
Total Funding	3,613(a)	400(a)	4,013(a)
9. Energy Corridor, Oahu—Engineering and acquisition of the necessary easements for establishment of an energy corridor between Kahe Point and Honolulu Harbor.			
Land	1,000	—	1,000
Design	400	—	400
Total Funding	1,400(a)	—	1,400(a)
10. Addition, Reconstruction, Relocation and Improvement of Recently Acquired Honolulu Harbor Facilities, Oahu—Addition, reconstruction, relocation and improvement of recently acquired Honolulu Harbor facilities.			
Design	59	—	59
Construction	645	339	984
Total Funding	704(s)	339(s)	1,043(s)
11. Miscellaneous Improvements to Existing Pier Facilities at Honolulu Harbor, Oahu—Miscellaneous improvements to existing piers, sheds and yard facilities at Honolulu Harbor, including improvements to lighting, utilities, oil lines, paving and other facilities.			
Design	5	5	10
Construction	35	35	70
Total Funding	40(s)	40(s)	80(s)
12. Container Facilities at Fort Armstrong, Oahu—Improvements and/or modifications to the existing facilities at Fort Armstrong to meet the growing demands of container operations, rehabilitation of lighting and power system; planning additional reclamation of land development and other improvements.			
Design	65	15	80
Construction	385	200	585
Total Funding	450(s)	215(s)	665(s)
13. Piers 5-12 Improvements and Renovations, Honolulu Harbor, Oahu—Renovating Pier 11 office building and other improvements.			
Design	30	—	30
Construction	370	—	370
Total Funding	400(s)	—	400(s)
14. Expansion of Container Facilities and Development of Transshipment at Honolulu Harbor, Oahu—Plans for development of transshipment and maritime industrial facilities on Anuenue.			
Design	20	—	20
Total Funding	20(s)	—	20(s)

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
15. Barbers Point Deep Draft Harbor Development, Oahu—State I development of a second deep-water port for Oahu to include land acquisition, easements, relocation of roads and pipeline, dredging, wave absorber, and other improvements.			
Land	5	—	5
Construction	6,520	—	6,520
Total Funding	4,100(r) 2,425(f)	—	4,100(r) 2,425(f)
16. Improvements and Additions to Fueling Facilities and Systems at Honolulu Harbor, Oahu—Development of fueling facility and/or development and renovation of fueling line system at Honolulu Harbor. Unexpended funds from Act 38, SLH 1966, Item II-C-9, may be used to supplement this appropriation.			
Design	—	20	20
Construction	—	480	480
Total Funding	—	500(r)	500(r)
17. Honolulu Harbor, Piers 15-18, Honolulu—Plans and construction of commercial fishing vessel berthing area, Piers 15-18.			
Design	—	6	6
Construction	—	48	48
Total Funding	—	54(s)	54(s)
<b>Hawaii</b>			
18. Kawaihae Harbor Improvements, South Kohala, Hawaii—Plans and construction of a fire protection system, combination workshop and storage shed and other improvements. Unexpended funds from Act 195, SLH 1965, Item E-26, may be used to supplement this appropriation. Plans and construction of a 300 feet barge pier on the southside of the existing overseas terminal and other improvements.			
Design	6	50	56
Construction	4	760	764
Total Funding	10(s)	810(s)	820(s)
19. Hilo Harbor Improvements, Hilo, Hawaii—Strengthening of Pier 3 apron, construction of marginal wharf at Pier 1 and other improvements.			
Design	2	30	32
Construction	28	—	28
Total Funding	30(s)	30(s)	60(s)
<b>Maui</b>			
20. Kalaupapa Barge Landing Improvements, Kalaupapa, Molokai—Plans and construction of concrete ramp to replace damaged wooden ramp and other improvements.			

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Design	4	—	4
Construction	40	—	40
Total Funding	44(g)	—	44(g)
<b>Kauai</b>			
21. Nawiliwili Harbor Improvements, Nawiliwili, Kauai—Planning of navigational and other improvements.			
Design	—	133	133
Total Funding	—	20(s)	20(s)
	—	113(f)	113(f)
<b>HIGHWAYS</b>			
O & M and Improvements (To be expended by the Department of Transportation)			
<b>Statewide</b>			
22. Miscellaneous Improvements to Existing Intersections and Highway Facilities, Statewide—Miscellaneous improvements to existing intersections and highway facilities necessary for traffic safety.			
Design	50	50	100
Construction	250	200	450
Total Funding	200(g)	150(g)	350(g)
	50(a)	50(a)	100(a)
	50(f)	50(f)	100(f)
23. Miscellaneous Drainage Improvements, Statewide—Drainage improvements to existing highway facilities.			
Design	30	30	60
Construction	120	120	240
Total Funding	150(g)	150(g)	300(g)
24. Highway Route Planning, Traffic, Finance, Road Use, Road Life and Economic Studies, Statewide—Highway studies and research and advance planning of Federal highway projects. This is required to qualify the State to receive Federal-aid on specific projects.			
Design	1,140	1,707	2,847
Total Funding	369(a)	479(a)	848(a)
	771(f)	1,228(f)	1,999(f)
<b>Oahu</b>			
25. Moanalua Road Improvements—Aiea towards Middle Street, Oahu—Improving the existing four-lane divided highway from Aiea to Middle Street. Supplement to prior appropriations.			
Construction	9,593	—	9,593
Total Funding	5,276(a)	—	5,276(a)
	4,317(f)	—	4,317(f)
26. Interstate Route H-1—Middle Street Separation to Old Waiialae Road, Honolulu, Oahu—Safety improvements along existing Lunalilo			

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Freeway from Middle Street separation to Old Waialae Road. Supplement to prior appropriations.			
Construction	616	—	616
Total Funding	92(a) 524(f)	—	92(a) 524(f)
27. Interstate Route H-1—West of Waiau Interchange to East of Halawa Interchange, Ewa, Oahu—Construction of eight-lane divided highway, including the Waiau and Halawa Interchanges, from west of the Waiau Interchange to east of the Halawa Interchange. Supplement to prior appropriations.			
Construction	5,700	—	5,700
Total Funding	855(a) 4,845(f)	—	855(a) 4,845(f)
28. Interstate Route H-1—East of Halawa Interchange to Middle Street Separation, Oahu—Incremental construction of eight freeway lanes, including the Pearl Harbor, Airport and Keehi Interchanges.			
Construction	16,081	52,911	68,992
Total Funding	2,412(a) 13,669(f)	7,937(a) 44,974(f)	10,349(a) 58,643(f)
29. Interstate Route H-1—Eastbound On-Ramp at Kapiolani Interchange, Oahu—Construction of an on-ramp to H-1 eastbound at Kapiolani Interchange.			
Land	970	—	970
Construction	—	3,093	3,093
Total Funding	145(a) 825(f)	464(a) 2,629(f)	609(a) 3,454(f)
30. Interstate Route H-3—Junction at H-1 to Kaneohe Marine Corps Air Station, Oahu—Incremental construction of divided highway from junction at H-1 to Kaneohe Marine Corps Air Station.			
Construction	29,876	74,500	104,376
Total Funding	4,481(a) 25,395(f)	11,175(a) 63,325(f)	15,656(a) 88,720(f)
31. Farrington Highway Improvements—Piliokoe Gulch towards Mokuleia, Oahu—Incremental plans and construction of the primary route from Piliokoe Gulch toward Mokuleia.			
Design	50	—	50
Construction	800	—	800
Total Funding	850(g)	—	850(g)
32. Kamehameha Highway-Helemano-Waialua Junction to Haleiwa Beach Park, Oahu—Construction of two-lane highway from Helemano-			

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Waialua Junction to Haleiwa Beach Park.			
Construction	2,400	—	2,400
Total Funding	1,320(a) 1,080(f)	—	1,320(a) 1,080(f)
33. Likelike-Kahekili Highway Interchange, Koolaupoko, Oahu—Land acquisition and plans and construction for an interchange to replace the existing at-grade intersection.			
Land	647	—	647
Design	205	—	205
Total Funding	852(g)	—	852(g)
34. Castle Junction Interchange, Koolaupoko, Oahu—Land acquisition for a grade-separation structure at the intersection of Kalaniana'ole and Kamehameha Highways. Ramps will accommodate left-turning traffic from Pali Highway onto Kamehameha Highway, left-turning traffic from Kamehameha Highway onto Kalaniana'ole Highway. The Old Pali Road will be realigned to connect to the Pali Golf Course Access Road. Other movements also to be provided for.			
Land	353	—	353
Construction	—	1,112	1,112
Total Funding	194(a) 159(f)	612(a) 500(f)	806(a) 659(f)
35. State Highway Landscaping Projects, Oahu—Incremental landscaping; including sprinkler systems and other appurtenances necessary for the continual maintenance of the improvements for Kalihi Interchange, the older sections of H-1, Kalaniana'ole Highway from Waimanalo Junction to Saddle City and other areas.			
Design	10	10	20
Construction	90	90	180
Total Funding	100(g)	100(g)	200(g)
36. Kalaniana'ole Highway, Hawaii Kai Drive to Lunalilo Home Road, Honolulu, Oahu—Widen existing two-lane highway to a four-lane divided highway.			
Construction	200	—	200
Total Funding	200(g)	—	200(g)
37. Kamehameha Highway, Pedestrian Overpass at Waimalu.			
Construction	91	—	91
Total Funding	91(g)	—	91(g)
38. Kalaniana'ole Highway, Pedestrian Overpass at Kalani High School.			
Construction	88	—	88
Total Funding	88(g)	—	88(g)

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
39. Interstate Route H-2—Waiawa Interchange towards Schofield Barracks, Oahu—Incremental construction of divided highway (including major crossing structures at Waikakalua and Kipapa Gulches and interchanges in the vicinity of Wahiawa and Mililani Town) from the Waiawa Interchange to Schofield Barracks.			
Construction	—	2,499	2,499
Total Funding	—	375(a)	375(a)
	—	2,124(f)	2,124(f)
40. Puuloa Road—Kamehameha Highway to Pel-tier Avenue, Honolulu, Oahu—Widening existing two-lane facility to an eight-lane divided highway, including portion of Puuloa Inter-change.			
Land	—	450	450
Design	—	70	70
Construction	—	700	700
Total Funding	—	675(a)	675(a)
	—	545(f)	545(f)
Special Maintenance Projects.			
41. Repairs to Highway Bridges, Various Loca-tions, Oahu.			
Design	7	—	7
Construction	124	—	124
Total Funding	131(a)	—	131(a)
42. Resurface Ala Moana Boulevard—Resurface and reconstruct portion of Ala Moana Boule-vard from South Street to Atkinson Drive 1.36 miles.			
Design	5	—	5
Construction	93	—	93
Total Funding	98(a)	—	98(a)
43. Resurface Pali Highway—Resurface and re-construct portions of Pali Highway-Beretania Street to Kuakini Street—0.436 miles; Hinalo Place to Waokanaka Place—0.246 miles; Castle Junction to Kawainui Bridge—2.909 miles.			
Design	8	—	8
Construction	255	—	255
Total Funding	263(a)	—	263(a)
44. Replace Wood Guard Rails At Various Loca-tions On Oahu And Install Jersey Curb At Certain Locations on Pali Highway And Like-like Highway—Replace existing wood guard rails on Kailua Road from Castle Junction to Kailua. Replace existing wood guard rails on Kunia Road. Install Jersey curbs and me-dians in place of existing guard rails on Pali Highway, Kailua side of Pali Tunnel. Replace			

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
wood guard rails and portion of CRM wall with Jersey curb on Likelike Highway outbound sides of Wilson Tunnel. Replace wood guard rails on Kalaniana'ole Highway, Hanauma Bay to Waimanalo.			
Design	2	—	2
Construction	49	—	49
Total Funding	51(a)	—	51(a)
45. Resurface Likelike Highway and Kaneohe Bay Drive—Resurface and reconstruct portions of Likelike Highway—upper Luluku Road to Kam Highway 1.231 miles; and resurface and reconstruct portions of Kaneohe Bay Drive—Kam Highway to Mikiola 1.691 miles.			
Design	3	—	3
Construction	100	—	100
Total Funding	103(a)	—	103(a)
46. Resurface Barbers Point Road—Resurface and reconstruct portions of Barbers Point Road from Farrington Highway to Naval Air Station 1.238 miles.			
Design	1	—	1
Construction	28	—	28
Total Funding	29(a)	—	29(a)
47. Convert Existing Sprinkler System to Automatic Control Systems, Various Locations, Oahu—Convert existing manually operated sprinkler systems to automatic sprinkler systems on H-1 Freeway and Kalaniana'ole Highway from Ft. Shafter to May Way.			
Design	5	—	5
Construction	95	—	95
Total Funding	100(a)	—	100(a)
48. Resurface Kamehameha Highway, Halawa to Waiawa—Resurface and reconstruct portions of Kamehameha Highway from Halawa Stream to Waiawa separation 5.054 miles.			
Design	—	13	13
Construction	—	424	424
Total Funding	—	437(a)	437(a)
49. Resurface Iroquois Point Access Road—Resurface and reconstruct portions of Iroquois Point Access Road 1.856 miles.			
Design	—	2	2
Construction	—	45	45
Total Funding	—	47(a)	47(a)
50. Resurface Kamehameha Highway, Crestview to Wahiawa—Resurface and reconstruct portions of Kamehameha Highway from Crestview			

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
to Wahiawa 7.519 miles.			
Design	—	8	8
Construction	—	259	259
Total Funding	—	267(a)	267(a)
51. Replace Existing Incandescent Lamps, With Modern Lamps, Various Locations, Oahu—Replace existing incandescent lamps and fixtures that are deteriorated with new lamps and fixtures along Kamehameha Highway—Laie to Kahaluu, and Wailua to Waimea; along Kalanianaʻole Highway—Maunalua Bridge to Lunalilo Home Road.			
Design	—	9	9
Construction	—	173	173
Total Funding	—	182(a)	182(a)
52. Resurface Farrington Highway, Campbell Ranch Road to Mokuleia—Resurface and reconstruct portions of Farrington Highway from Campbell Ranch Road to Mokuleia 1.979 miles.			
Design	—	2	2
Construction	—	37	37
Total Funding	—	39(a)	39(a)
<b>Hawaii</b>			
53. Hawi-Mahukona Road, North Kohala, Hawaii—Supplement prior appropriation to construct two-lane highway.			
Construction	799	—	799
Total Funding	439(a) 360(f)	—	439(a) 360(f)
54. Kawaihae-Kailua Road, Hawaii—Incremental construction of two-land highway. To supplement prior appropriations.			
Land	180	—	180
Design	120	50	170
Construction	615	890	1,505
Total Funding	915(g)	940(g)	1,855(g)
55. Hawaii Belt Road Improvement, North Hilo, Hawaii—Realignment of portion of Hawaii Belt Road Project, including the construction of the Kapehu and Kahue Bridges.			
Construction	935	—	935
Total Funding	935(g)	—	935(g)
56. Hawaii Belt Road Improvement, Hamakua, Hawaii—Land acquisition and plans to replace existing wooden bridges at Kainehe, Kahola-lele, Paauilo School and East Paauilo Streams and concrete bridge at Kealakaha Stream			



	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Land	5	—	5
Design	140	—	140
Total Funding	145(g)	—	145(g)
57. Honokaa-Waipio Road, Hamakua, Hawaii— To supplement prior appropriation for construction of two-lane highway from Haina Road intersection to Waipio Lookout.			
Land	—	43	43
Design	—	50	50
Construction	350	—	350
Total Funding	350(g)	93(g)	443(g)
58. Hawaii Belt Road—Route 190D, Keaumoku towards Waimea, South Kohala, Hawaii—Land acquisition, plans and construction of new two-lane highway from end of F-10(6) towards Waimea.			
Land	2	—	2
Design	10	—	10
Construction	300	—	300
Total Funding	312(g)	—	312(g)
59. Wailuku Bridge Improvement, South Hilo, Hawaii—Plans and construction to replace existing steel grid decking with galvanized serrated deck.			
Design	10	—	10
Construction	125	—	125
Total Funding	135(g)	—	135(g)
60. Volcano Road, Puna, Hawaii—Land acquisition and plans for extension of the existing two-lane outbound highway from the vicinity of the Slaughter House Road to the beginning of Project No. F-011-2(2), including improvement to the Volcano Road and Keaau-Pahoa Road intersection.			
Land	—	50	50
Design	—	50	50
Total Funding	—	100(a)	100(a)
61. Route 270, Kawaihae-Mahukona Road, South Kohala, Hawaii—Land acquisition and plans for construction of two-lane highway on a new alignment from the junction of FAP Route 19 northwesterly to Makeahua Bridge on the existing Kawaihae Road, Project No. S-0260(1).			
Land	—	139	139
Design	—	128	128
Total Funding	—	267(g)	267(g)
62. Volcano Road, Hawaii—Construction of two-lane highway from the vicinity of the 25 Mile Post to the vicinity of the 29 Mile Post. To supplement prior appropriations.			

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Construction	—	720	720
Total Funding	—	415(a)	415(a)
63. Palani Road, North Kona, Hawaii—Preliminary plans for two-lane highway on a new alignment.	—	305(f)	305(f)
Land	—	100	100
Design	—	100	100
Total Funding	—	110(a)	110(a)
	—	90(f)	90(f)
Special Maintenance Projects.			
64. Resurfacing Honokaa-Waipio Road—Resurfacing and installing reflective pavement markers, 1.5 miles.			
Design	2	—	2
Construction	38	—	38
Total Funding	40(a)	—	40(a)
65. Resurfacing Akaka Falls Road—Resurfacing and installing reflective pavement markers, 0.41 mile.			
Design	1	—	1
Construction	9	—	9
Total Funding	10(a)	—	10(a)
66. Resurfacing Keaau-Pahoa Road—Resurfacing and installing reflective pavement markers, 4.50 miles.			
Design	3	—	3
Construction	83	—	83
Total Funding	86(a)	—	86(a)
67. Resurfacing Hawaii Belt Road, Hamakua Section—Resurfacing and installing reflective pavement markers, 1.3 miles.			
Design	3	—	3
Construction	28	—	28
Total Funding	31(a)	—	31(a)
68. Resurfacing Kohala Mountain Road—Resurfacing and installing reflective pavement markers, 3.22 miles.			
Design	4	—	4
Construction	94	—	94
Total Funding	98(a)	—	98(a)
69. Resurfacing Hawaii Belt Road, South Hilo Section—Resurfacing and installing reflective pavement markers, 0.84 mile.			
Design	2	—	2
Construction	27	—	27
Total Funding	29(a)	—	29(a)
70. Clearing, Cleaning and Leveling Stream Beds at Various Locations, Hawaii Belt Road—Clearing, cleaning and leveling of stream beds.			

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Design	3	—	3
Construction	24	—	24
Total Funding	27(a)	—	27(a)
71. Resurfacing Kawaihae Road—Resurfacing and installing reflective pavement markers, 0.9 mile.			
Design	2	—	2
Construction	23	—	23
Total Funding	25(a)	—	25(a)
72. Resurfacing Kohala Mountain Road—Resurfacing and installing reflective pavement markers, 4.88 miles.			
Design	—	2	2
Construction	—	137	137
Total Funding	—	139(a)	139(a)
73. Resurfacing Hawaii Belt Road, South Kona Section—Resurfacing and installing reflective pavement markers, 1.90 miles.			
Design	—	2	2
Construction	—	55	55
Total Funding	—	57(a)	57(a)
74. Replacing Wood Guard Rails on Hawaii Belt Road—Replacing existing wooden guard rail and wood post with metal rails with metal posts, 2,400 linear feet.			
Design	—	2	2
Construction	—	28	28
Total Funding	—	30(a)	30(a)
<b>Maui</b>			
75. Honoapiilani Highway, Lahaina, Maui—Repair dip on highway north of Pali tunnel (Ukumehame). Supplement prior appropriation.			
Construction	140	—	140
Total Funding	140(g)	—	140(g)
76. Kaahumanu Avenue Improvements, Wailuku, Maui—Installation of traffic signal lights at entrance to Baldwin High School on Kaahumanu Avenue to complete the system.			
Design	3	—	3
Construction	37	—	37
Total Funding	40(g)	—	40(g)
77. Puunene Avenue Improvement, Maui—Land acquisition and construction of drainage systems, sidewalks, curbs, gutters and reconstruct pavement from Kaahumanu Avenue to Route 380.			
Land	20	—	20
Design	30	—	30

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Construction	—	175	175
Total Funding	50(g)	175(g)	225(g)
78. Kahekili Highway, Maui—Incremental widening, paving and improvement of existing dirt road between Waihee and Honokohau, including construction of Kahakuloa Bridge.			
Land	3	3	6
Design	5	5	10
Construction	467	142	609
Total Funding	475(g)	150(g)	625(g)
79. Honoapiilani Highway, Lahaina, Maui—Construction of a two-lane highway from Honokowai to Honokahua.			
Construction	800	—	800
Total Funding	440(a)	—	440(a)
	360(f)	—	360(f)
80. Kaunalapau Highway, Lanai—Plans and construction for widening and paving Kaunalapau Highway near Kaunalapau Harbor opposite the Standard Oil tank farm.			
Design	5	—	5
Construction	35	—	35
Total Funding	40(g)	—	40(g)
81. Kula Highway—Ulupalakua to Keokea, Makawao, Maui—Plans for construction of two-lane highway from junction of route 31 and 37 at Kanaio to the Kula Sanatorium road at Keokea.			
Design	—	100	100
Total Funding	—	55(a)	55(a)
	—	45(f)	45(f)
82. Hana Belt Road, Lower Paia Section, Maui—To supplement prior appropriations for land acquisition and construction of two-lane highway.			
Land	—	300	300
Construction	—	927	927
Total Funding	—	678(a)	678(a)
	—	549(f)	549(f)
Special Maintenance Projects.			
83. Resurfacing Honoapiilani Highway—Resurface approximately 4 miles.			
Design	2	—	2
Construction	108	—	108
Total Funding	110(a)	—	110(a)
84. Replace Wooden Guard Rails, Haleakala Highway—Replace deteriorated wood rails with metal guard rails.			
Design	3	—	3
Construction	45	—	45
Total Funding	48(a)	—	48(a)

	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
85. Resurfacing Kam V Highway, Molokai—Resurface approximately 2.4 miles from Kaunakakai toward Kamalo.			
Design	2	—	2
Construction	70	—	70
Total Funding	72(a)	—	72(a)
86. Repair and Extend Rock Revetment, Kahului Beach Road—Construct approximately 300 feet of rock revetment to prevent erosion and damage to roadway.			
Design	3	—	3
Construction	41	—	41
Total Funding	44(a)	—	44(a)
87. Safety Improvements of Various Locations on Honoapiilani Highway—Improvements to intersections, extending culverts, installing guard rails, etc., to meet new safety standards.			
Design	—	3	3
Construction	—	37	37
Total Funding	—	40(a)	40(a)
88. Resurface Kamalapai Highway and Airport Road—Resurface and install pavement markings, approximately 3.5 miles.			
Design	—	2	2
Construction	—	103	103
Total Funding	—	105(a)	105(a)

**Kauai**

89. Kauai Belt Road-Safety Improvements, Vicinity of Kauai Hardwoods, Wailua Maintenance Yard, Wailua Country Club and Mailihuna Road, Kauai—Land acquisition, plans and construction to lengthen curves and improve super-elevation, including guard rails, landscaping and left-turn storage lane.			
Land	4	—	4
Design	6	—	6
Construction	125	—	125
Total Funding	135(g)	—	135(g)
90. Kauai Belt Road-Safety Improvements, Vicinity of Ahukini Road, Oxford Street, Ehiku Street, Laukona Street, Kuamoo Road and Haleilio Road, Kauai—Land acquisition, plans and construction to improve pavement width to accommodate storage lanes, including landscaping.			
Land	18	—	18
Design	5	—	5
Construction	127	—	127
Total Funding	150(g)	—	150(g)

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	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
91. Kauai Belt Road-Drainage Improvements, Lihue, Kauai—Plans and construction for installation of storm drains and landscaping between Poinciana and Hardy Streets.			
Design	5	—	5
Construction	95	—	95
Total Funding	100(g)	—	100(g)
92. Halewili Road-Replacement of Wahiawa Bridge, Koloa, Kauai—Plans and construction of structure bridging Wahiawa Gulch to replace present wooden bridge.			
Design	50	—	50
Construction	350	400	750
Total Funding	400(g)	400(g)	800(g)
93. Kauai Belt Road-Wainiha to Lumahai, Hanalei, Kauai—Construction of highway from the intersection of Wainiha Power House Road and Kuhio Highway towards Lumahai Bridge. Includes major drainage structures and landscaping.			
Construction	1,138	1,399	2,537
Total Funding	626(a) 512(f)	769(a) 630(f)	1,395(a) 1,142(f)
94. Kauai Belt Road-Hanalei to Kalihiwai, Hanalei, Kauai—Construction of highway, including appurtenant drainage and landscaping.			
Construction	1,154	—	1,154
Total Funding	634(a) 520(f)	—	634(a) 520(f)
95. Kauai Belt Road-Truck Climbing Lanes at Wahiawa, Lawai and Omao, Koloa, Kauai—Land acquisition and construction for truck climbing lanes in valley section, including landscaping.			
Land	100	—	100
Construction	—	750	750
Total Funding	100(g)	750(g)	850(g)
96. Kauai Belt Road-Hanalei Town Section, Hanalei, Kauai—Construction of highway between Hanalei Bridge and Waioli Stream Bridge, including a structure at Waioli Stream and landscaping.			
Construction	700	700	1,400
Total Funding	385(a) 315(f)	385(a) 315(f)	770(a) 630(f)
97. Kauai Belt Road-Lumahai to Hanalei, Kauai—Land acquisition and construction of highway, including major drainage structures and landscaping.			
Land	100	—	100

	Exp. Agy.	FY 1971-1972	FY 1972-1973	Total Biennium FY 1971-1973
Design		170	—	170
Construction		—	732	732
Total Funding		150(a) 120(f)	405(a) 327(f)	555(a) 447(f)
98. Kauai Belt Road-Kilauea to Kahili, Kauai— Construction of two-lane highway and other improvements. Supplement prior appropri- ations.				
Construction		690	—	690
Total Funding		380(a) 310(f)	—	380(a) 310(f)
Special Maintenance Projects.				
99. Resurfacing Halewili Road—Resurfacing ap- proximately 4 miles.				
Design		5	—	5
Construction		115	—	115
Total Funding		120(a)	—	120(a)
100. Shoulder Stabilization at Various Locations, Kauai Belt Road—Stabilize earth shoulders; length of project 6.0 miles.				
Design		7	—	7
Construction		73	—	73
Total Funding		80(a)	—	80(a)
101. Resurfacing Kokee Road—Resurface approxi- mately 3 miles of county road transferred to the State Highway System.				
Design		—	5	5
Construction		—	100	100
Total Funding		—	105(a)	105(a)
102. Replacement of Guard Rails, Kauai Belt Road—Replace wooden guard rails; extend existing metal guard rails to meet present safety standards; approximately 5,000 linear feet.				
Design		—	2	2
Construction		—	43	43
Total Funding		—	45(a)	45(a)

#### PART IV. ISSUANCE OF BONDS

**SECTION 5. General Obligation Bonds.** General obligation bonds may be issued as provided by law to yield the amount that may be necessary to finance projects included in Part II and listed in Part III of this act and designated to be financed from general obligation bond fund and from the general obligation bond fund with debt service cost to be paid from special funds, provided that the sum total of the general obligation bonds so issued shall not exceed \$238,001,000.

**SECTION 6. Airport Revenue Bonds.** The department of transportation is authorized to issue airport revenue bonds for airport capital investment projects included in Part II and listed in Part III of this act and designated to be financed by revenue bond funds, in such principal amount as shall be required to yield the amounts appropriated for such capital investments, plus, if so determined by the department and approved by the governor, such additional amounts as may be necessary by the department to pay interest on such revenue bonds during the construction period and for six months thereafter, to establish, maintain or increase reserves for the airport revenue bonds to pay the expenses of issuance of such bonds. The aforementioned airport revenue bonds shall be issued pursuant to the provisions of Part III, Chapter 39, Hawaii Revised Statutes, as the same may be amended from time to time. The principal and interest of airport revenue bonds, to the extent not paid from the proceeds of such bonds, shall be payable solely from and secured solely by the revenue from airports and related facilities under the ownership of the State or operated and managed by the department and the aviation fuel taxes levied and paid pursuant to sections 243-4 (a) (2) and 248-8, Hawaii Revised Statutes, as amended, or such parts of either thereof as the department may determine, including rents, landing fees and other fees or charges presently or hereafter derived from or arising through the ownership, operation and management of airports and related facilities and the furnishing and supplying of the services thereof. The expenses of the issuance of such airport revenue bonds shall to the extent not paid from the proceeds of such bonds be paid from the airport revenue fund. The governor, in his discretion, is authorized to use the airport revenue fund to finance those projects in Part II where the method of financing is designated to be by airport revenue funds.

**SECTION 7. Housing Authority Revenue Bonds.** The Hawaii Housing Authority is authorized to issue housing authority revenue bonds pursuant to section 103-7, Hawaii Revised Statutes, for housing capital investment projects included in Part II and listed in Part III of this act and designated to be financed by revenue bond funds. 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 to the State of Hawaii.

**SECTION 8. University of Hawaii Revenue Bonds.** The University of Hawaii is authorized to issue revenue bonds for the incremental development of university dormitory facilities and parking facilities as contained in Part II and listed in Part III hereof.

**SECTION 9. Harbor Revenue Bonds.** The department of transportation is authorized to issue pursuant to the provisions of Part III, chapter 39, Hawaii Revised Statutes, harbor revenue bonds or other harbor revenue obligations for harbor revenue bond financed projects authorized by this Act, in such principal amount as shall be required to yield the amounts appropriated by this Act from harbor revenue bonds for such projects, plus, if so determined by the department and approved by the governor, such additional amounts as may be deemed necessary by the department to establish, maintain, or increase reserves for such bonds or other revenue obligations and pay the expenses of



issuance of such bonds or other revenue obligations. To the extent not paid from the proceeds of such revenue bonds or other revenue obligations, the expenses of the issuance of such harbor revenue bonds or other revenue obligations and the principal and interest on such bonds or other revenue obligations shall be paid or provided for from the harbor special fund. The governor, in his discretion, is authorized to use harbor special funds to finance these projects in Part II where the method of financing is designated to be by harbor revenue bond funds.

## PART V. SPECIAL PROVISIONS

**SECTION 10.** Anuenue income from lands and facilities dedicated to the University of Hawaii shall be expended for the operating expenses of the University. Such income, excluding amounts required to reimburse the general fund for capital improvements, shall be deposited into the general fund of the state and shall be considered to be a reimbursement to the general fund for monies appropriated for the operation of the University of Hawaii under Part II of this act. Anuenue income from other non-University lands and facilities shall be deposited into the Harbor Special Fund.

**SECTION 11.** The sum of \$698,000 for fiscal year 1971-72 and \$698,000 for fiscal year 1972-73 of supplementary cost of education payments made on behalf of the East-West Center or so much thereof as may be made available, is hereby authorized to be expended for operating purposes by the University of Hawaii. The sums made available shall be deposited into the general fund of the State and shall be considered to be a reimbursement to the general fund for monies appropriated for the operation of the University in Part II of this act. In the event the actual amount of supplementary cost of education payments should fall under or exceed the amount estimated, the appropriations made to the University of Hawaii for operating purposes in Part II of this act shall be decreased or increased by the amount the actual supplementary cost of education payments fall under or exceed the amount of \$698,000 for each fiscal year of the biennium. For the fiscal year 1971-72, any reductions due to decreased supplementary cost of education payments may be reallocated and expended by the University of Hawaii with the approval of the governor.

**SECTION 12.** The amount of the appropriation made in Part II of this act 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 warrants, representing periodic allotments but only if this is a necessary condition for 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.

**SECTION 13.** The University may contract for instructional personnel from July 1, 1971 to June 30, 1972 for the first year of the biennium and July 1,

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1972 to June 30, 1973 for the second year of the biennium where such personnel will experience hardship in relocating to Hawaii.

SECTION 14. Any sums received by the University of Hawaii in either fiscal year of the 1971-73 biennium in excess of the budgeted amounts in Part II to be funded from indirect overhead receipts, may be retained and expended by the University of Hawaii except that no part of this excess sum shall be used for personal services.

SECTION 15. Whenever the expending agency to which an appropriation is made is changed due to 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 the proper expending agency.

SECTION 16. In allotting funds for health programs, social welfare programs, hospitals and other programs 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 programs 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, or the reasonable average daily cost of the medical care for the needy and medically needy exceeds the anticipated average sum per patient day upon which the appropriation therefor was based, the program 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. In the event that the reasonable average daily cost of medical care for the needy and medically needy exceeds the anticipated average sum per patient day, or the caseload trend for money or medical assistance payments is higher than the specified figure, the governor is authorized to utilize such savings as may be available from appropriated funds of any program for the purpose of meeting the deficit in the social welfare program of the department of social services and housing.

During the period July 1, 1971 to January 31, 1972, the department is authorized to adopt such interim policies as may be necessary to prevent any reduction or withholding of federal matching funds under Titles IV, XVI and XIX of the Social Security Act if such interim policies are approved by the governor.

SECTION 17. Transfer of funds between appropriations may be made with the approval of the governor, or the director of finance if so delegated, provided that this section shall apply only to appropriations made for research and development, operating, and investment non-capital purposes.

SECTION 18. Where a program is financed by the general fund as well as by source of funding other than the general fund, the general fund appropriation shall be decreased to the extent that the amount received from the non-general fund source exceeds the amount approved in this Act from such source; provided that such decrease of the general fund appropriation

shall not jeopardize the receipt of the increased amount from the non-general fund source; 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 finance if such authority is so delegated by the governor.

SECTION 19. All expending agencies of the state and county governments shall undertake to cooperate with each other in order that utilization of prison labor, welfare recipient workers and non-teaching employees of the department of education can be utilized whenever and wherever it is reasonably practicable to carry out the objectives of the program concerned.

SECTION 20. 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 21. There is hereby appropriated out of the public trust fund created by Section 5(f) of the Admission Act (Public Law 86-3, 86th Congress), the total amount of the proceeds from the sale or other disposition of any lands, and the income therefrom, granted to the state by Section 5(b) or later conveyed to the state by Section 5(3), with the exception of such proceeds covered under Section 171-19, Hawaii Revised Statutes, as amended, to be disposed of by the board of land and natural resources, in order to reimburse the general fund for the appropriation made in Part II 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, 1971 to June 30, 1973. The above proceeds shall be exclusive of the amount disposed of under the provisions of the Hawaiian Homes Commission Act of 1920, as amended.

SECTION 22. For the fiscal year 1971-1972, in the absence of legislative authorization for the expenditure of special and trust funds in Part II of this act, agencies responsible for such funds are authorized to expend so much as may be necessary to carry out the purpose of each such fund; provided that such expenditures are approved by the board of education for the department of education and in all other cases by the Governor or by the director of finance if so delegated by the Governor; and provided further that such expenditures shall not exceed the amounts available in such funds.

For the fiscal year 1971-72; the University of Hawaii is hereby authorized to expend from their special funds any receipts in excess of the amounts appropriated in Part II with the approval of the governor, provided that such increased expenditures are to meet demands for increased services only.

SECTION 23. With the approval of the director of budget and finance, the department of health may transfer funds appropriated to the department of health for the care and treatment of patients to the department of social services and housing whenever the department of social services and housing can utilize such funds to match federal funds which may be available to help finance the cost of outpatient, hospital or skilled nursing home care of indigents or medical indigents.

The department of social services and housing is authorized to enter into agreements with the department of health to furnish outpatient, hospital and/

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or skilled nursing home care and to pay the department of health for such care. With the approval of the director of budget and finance, the department of health may deposit part of such receipts into the appropriations from which transfers were made.

SECTION 24. 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, including the state highway system and the maintenance thereof, 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 the physically handicapped, college and high school students, age 16 and above, the unemployed, and persons whose earning capacities are or may be reduced by old age; provided, that when such person is employed by any governmental official, body, or agency, he may be employed on a temporary basis and his employment shall be exempt from Chapters 76, 77 and 88 of the Hawaii Revised Statutes, as amended; and provided further, that such person shall meet the minimum requirements necessary for such positions.

SECTION 25. Any law or any provision of this act to the contrary notwithstanding, the appropriations made for capital investment projects included in Part II and listed in Part III of this act shall not lapse at the end of the fiscal year for which the appropriation is made, provided that all appropriations made to be expended in fiscal year 1971-72 which are unencumbered as of June 30, 1976, and all appropriations made to be expended in fiscal year 1972-73 which are unencumbered on June 30, 1976 shall lapse as of that date.

SECTION 26. All subsidies made to non-public organizations in this act shall, as a condition of receiving such money, (1) comply with the allotment system as provided in Chapter 37, Hawaii Revised Statutes, (2) allow the expending or other related agency full access to their records, files, report, and other related areas in order to assist and improve their management and fiscal practices and (3) submit all future budget requests on a form prescribed by the director of finance.

SECTION 27. The designated expending agency for capital investments appropriated in Part II, and described in Part III is authorized to delegate to other state or county agencies the planning and construction of such projects when it is determined by such agency that it is more advantageous to do so.

SECTION 28. All general obligation bond funds used for highway, land development, harbor or airport capital investment purposes, designated by the letter symbol (a), shall have the bond principal and interest reimbursed the state highway fund, the harbor special fund or the airport revenue fund, respectively. Bonds issued for irrigation projects shall be reimbursed, as provided by section 174-21, Hawaii Revised Statutes.

SECTION 29. The negotiation for the purchase of land by State agencies shall be subject to the approval of the governor. Private lands may be acquired for the purpose of exchange for federal lands when the governor determines

that such acquisition and exchange are necessary for the completion of any herein authorized projects.

SECTION 30. All unrequired balances after the objectives of appropriations made in Part II for capital investment purposes from the general obligation bond fund and listed as projects in Part III have been met, shall be transferred to the project adjustment fund appropriated in Part II of this act, and shall be considered a supplementary appropriation thereto.

SECTION 31. In the event that the amount specified for a capital investment project listed in Part III is insufficient and where the source of funding for the project is designated as the general obligation bond fund, the governor may make supplemental allotments from the project adjustment fund appropriated in Part II; provided that such supplemental allotments shall not be used to increase the scope of the project, and provided further that a report of such supplemental allotments and transfers into the project adjustment fund as provided in Section 30 for the period ending December 31, 1971, shall be made to the legislature by February 1, 1972, and a similar report for the period beginning January 1, 1972 and ending December 31, 1972 shall be made to the legislature by February 1, 1973.

SECTION 32. In the event that the amount specified for a capital investment project listed in Part III is insufficient and where the source of funding is designated as special funds, general obligation bond fund with debt service cost to be paid from special funds, or revenue bonds, the governor may make supplemental allotments from the special fund responsible for cash or debt service payments for the project or transfer unrequired balances from other projects in this or prior capital improvements appropriation acts which authorized the use of special funds, general obligation bonds fund with debt service cost to be paid from special funds, or revenue bonds; provided that such supplemental allotments shall not be used to increase the scope of the project provided further that such supplemental allotments shall not impair the ability of the fund to meet the purposes for which it was established; and provided further that a report of such supplemental allotments and transfers for the period ending December 31, 1971, shall be made to the legislature by February 1, 1972, and a similar report for the period beginning January 1, 1972 and ending December 31, 1972 shall be made to the legislature by February 1, 1973.

SECTION 33. The governor may authorize the expenditure of funds for capital investment projects not previously authorized or not listed in Part III to cope with unforeseen emergencies arising from elements such as fires and natural disasters and for any federal aid portion of any capital investment project listed in Part III where application for such aid has been made and approval has been denied; provided that such emergencies or denial of federal aid create an urgent need to pursue a course of action which is in the best interest of the State; and provided further that the governor shall use the project adjustment fund appropriated in Part II to accomplish the purposes of this section.

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 any program or works authorized by this Act, or otherwise, the governor or agency (with the governor's approval) shall have the power to enter into such undertaking with the proper offices or agencies of the federal government or private organization or individuals, if approved by the governor. While most federal-aid allocations are known and local matching funds are provided in this Act, there may be programs for which federal-local cost sharing is not yet determined. In such cases, the availability of federal funds shall be construed as a reduction of State costs whenever possible.

**SECTION 34.** In connection with all state park capital investment projects authorized in Part II and described in Part III, the board of land and natural resources may use its present staff, summer student help, and such temporary personnel who shall be exempted from the provisions of chapters 76 and 77, Hawaii Revised Statutes, and who are unemployed and are duly registered as unemployed with the department of labor and industrial relations. The board may, upon approval of the governor, enter into contract for the necessary equipment, supplies, materials, labor, professional service and technical assistance to be used in the projects.

**SECTION 35.** Where it has been determined that changed conditions, such as reduction in the particular population being served, permit the reduction in the scope of a project listed in Part III, the governor may authorize such reduction of project scope, provided that the scope of a project shall not be reduced merely because the appropriation for a project is insufficient.

**SECTION 36.** For any capital investment project jointly funded by state and county monies, state funds shall be used only when the county provides at least its pro rata share as indicated in the project authorization.

**SECTION 37.** In the event the State should assume the direct operation of any non-public agency receiving State funds under the provisions of this Act, such funds shall be applied as a credit to the State against such capital costs as land, structures, and equipment, in acquiring that non-public agency.

**SECTION 38.** The governor shall determine when and the manner in which authorized projects shall be initiated. In releasing funds for projects, the governor shall consider the objectives of the user agency, its programs, the scope and level of the user agency's intended service; and the means, efficiency, and economics by which the project will meet the objectives of said user agency and the State. Agencies responsible for construction shall take into consideration the objectives of the user agency, its programs, the scope and level of the user agency's intended service and construct the improvement to meet the objectives of said user agency in the most efficient and economical manner possible.

**SECTION 39.** The governor is hereby authorized to create in each fiscal year of the biennium not more than 80 permanent or temporary positions to be allocated by him to any of the departments as he shall deem proper.

**SECTION 40.** The appropriations for capital improvements projects in Part III of this Act are stated in thousands of dollars.

SECTION 41. The governor may re-create positions abolished pursuant to section 23 of Act 175, Session Laws of Hawaii 1970, provided sufficient funds are appropriated by this act.

## PART VI. SEVERABILITY AND EFFECTIVE DATE

SECTION 42. **Severability.** If any portion of this Act or its application to any person or circumstances is held to be invalid for any reason, then the legislature hereby declares that the remainder of 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 43. **Effective Date.** This Act shall take effect on July 1, 1971.

(Approved May 18, 1971.)

## ACT 69

S. B. NO. 446

A Bill for an Act Relating to Charges on Loans Made by Industrial Loan Companies.

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

SECTION 1. Section 408-15, Hawaii Revised Statutes, is amended to read:

**"Sec. 408-15 Interest rates; other charges; refunds.** (a) No industrial loan company shall directly or indirectly charge, contract for, collect, or receive any interest, discount, fees, charges, or other consideration on any loan made by it except as provided by this section.

(b) Advance interest or discount. An industrial loan company may charge, contract for, receive, or collect in advance interest or discount at any rate which does not exceed the following maximum rate for the particular period and type of contract hereinafter set forth, computed in the manner set forth in section 408-3, at the inception of the contract, to wit:

(1) Where interest is paid or deducted in advance for a period of not more than eighteen months upon any contract (whether the principal amount of the contract is payable in one payment at the end of the maturity period thereof or in installments), it shall not exceed twelve per cent a year computed in the manner set forth in section 408-3 at the inception of the contract.

(2) Where interest is payable or deducted in advance upon a contract payable in a period of more than eighteen months, it shall not exceed an amount computed in the manner set forth in section 408-3, as follows: twelve per cent a year for the first eighteen months, plus nine per cent a year for the next twelve months (or portion thereof), plus six per cent a year for the next twelve months (or portion thereof), plus three per cent a year for the next six months (or portion thereof), of such period, as the case may be.

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Interest shall not be deductible in advance for more than four years.

(For example: upon a contract, the principal amount of which is \$120, payable in twenty-four months, in monthly installments of \$5, the maximum amount of interest which may be deducted in advance under this section is computed as follows:

12 per cent a year of \$120 for first 18 months .....	\$21.60
9 per cent a year of \$120 for next 6 months .....	<u>5.40</u>
Total interest deductible in advance from principal amount of the contract .....	\$27.00)

(3) Installments, acceleration of. In addition to collecting or deducting interest in advance, as aforesaid, the company may require and receive repayment of the principal amount of the contract in uniform weekly, monthly, or other periodic installments with the privilege to the company (subject to the interest refund provisions of this section where applicable) to declare the entire unpaid balance due and payable in the event of default in the payment of any installment.

(4) Interest on delinquent installments. In addition to requiring and collecting interest in the manner and at the rates hereinbefore provided for, the company may also require and receive the payment of interest at not to exceed twelve per cent a year from the date of delinquency on any principal installment or portion thereof which remains unpaid on the date of maturity, of the installment where there has been no extension or deferment by mutual agreement, or where the amount extended or deferred is not paid on the due date agreed upon.

(c) Fraction of a month. In computing interest for any of the purposes of this section, or interest refunds under subsection (f), for any period, any fraction of a month shall be considered as a whole month.

(d) Where not an installment contract. Nothing in this chapter shall be deemed to prohibit an industrial loan company from lending money upon a contract to repay the principal amount at the end of the maturity period, instead of in installments, under which contract interest is either deductible in advance, or is payable in weekly, monthly, or other periodic installments, or at the end of such period, provided the interest payable or paid is not in excess of the maximum prescribed by this section for loans repayable in installments of principal.

(e) Application, licensees only. No person, firm, or corporation (not holding a license issued under this chapter) shall charge, contract for, collect, or receive interest, discounts, fees, charges, or other consideration on any loan in the amount or in the manner provided in this section unless permitted so to do by other state law.

(f) Refunds; prepayment. On a contract which has been discounted or on which interest has been collected in advance, and which is then paid or refinanced or on which judgment is then obtained before maturity, the industrial loan company involved shall refund to the borrower on account of unearned discount or interest an amount computed, on that portion of



the principal amount which has not yet matured, at the same rate of discount or interest as was charged at the time the contract was made, for the term of the contract remaining after the date of the payment or after the date of the judgment; provided, that no refund less than 25 cents need be made; and provided further, that checks issued to refund interest which are not presented for payment within three years from the date of issue may be declared canceled and the sum thereof retained as earnings of the licensee. Each company shall permit any borrower from it to pay partially or wholly any contract or installment on a contract before the due date, if the contract has been in effect for a period of at least three months. The company shall not be required to refund any portion of the unearned discount or interest which results in a minimum discount or interest retained on the contract of less than \$15.

(g) Deferred payments, interest, etc. Any payment on account of the principal amount of a contract, which is due on a particular date, may be extended or deferred to a later date by mutual agreement, and, upon the amount of the principal payment so extended or deferred, interest, not exceeding that permitted upon an original loan by this section, for the actual period of the extension or deferment, may be charged and may be collected in advance at the commencement of the period of extension or deferment, provided that the term and conditions of the extension or deferment, including the principal amount so extended or deferred, and the period of, and the charge for, the extension or deferment, shall be set forth in writing and signed in duplicate by the borrower and the company, one copy of the same to be kept on file with the contract and the other copy to be given to the borrower.

(h) Other charges. In addition to the interest, discount, or other charges permitted by this section, an industrial loan company shall also have power to collect in advance or otherwise from the borrower any of the following charges:

- (1) The actual taxes and fees charged by a governmental agency for recording, filing, or entering of record, any bill of sale, assignment, mortgage, chattel mortgage, or other conveyance, or any partial or complete release, discharge, or satisfaction of judgment, mortgage, lien, or other encumbrance, or any of such conveyances or instruments, of or on any real or personal property which constitutes all or a portion of the security on a contract;
- (2) Appraisal fees, and abstractors' fees, actually paid to third parties, no portion of which fees inures to the benefit of the company;
- (3) Premiums actually paid for insuring real and personal property pledged as security on a contract, and insurance premiums on the life of the borrower, provided the insurance is obtained from insurance companies authorized to do and doing business in the State under the laws thereof and provided the borrower, if the property is adequately insured for the amount of the loan, shall not be required to substitute other insurance therefor upon the property or to take out additional insurance thereon; and

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- (4) Attorney's fees, if provided for in the contract, and costs of court, incurred in the collection of any contract in default;
- (5) A charge not exceeding \$10 upon the transfer of any equity under a chattel mortgage or a conditional sale contract.
  - (i) Minimum discount or interest on conditional sale. When the discount or interest on a conditional sale contract of \$100 or more is less than \$15, a charge for discount or interest of \$15 shall be allowed.
  - (j) As an alternative to the interest authorized by subsection (b), an industrial loan company may contract for and receive interest at a rate not exceeding one and one-half per cent per month on the unpaid principal balance of a loan, for a loan period of no longer than three years.

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved May 20, 1971.)

## ACT 70

S. B. NO. 1124

A Bill for an Act Relating to an Exemption from Registration under the Sale of Securities Act.

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

SECTION 1. Section 485-6(10), Hawaii Revised Statutes, is hereby amended to read as follows:

“(10) Any offer or sale of a preorganization certificate or subscription for any security to be issued by any person if no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, and the number of subscribers does not exceed twenty-five;”

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

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

(Approved May 20, 1971.)

## ACT 71

H. B. NO. 492

A Bill for an Act Relating to the Compensation of Certain Persons under the Criminal Injuries Compensation Act and Providing Appropriations therefor.

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\* Edited accordingly.

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

SECTION 1. The following respective sums of money are hereby appropriated out of the general revenues of the State of Hawaii for the purpose of compensating the following named persons pursuant to Chapter 351, Hawaii Revised Statutes, the Criminal Injuries Compensation Act, in the amounts set out opposite their respective names:

AGENA, HARUKO	\$ 4,961.41
Victim of aggravated assault and battery	
AGUINALDO, TORIBIO R.	656.37
Victim of assault and battery	
AKO, MARGARET K.	1,512.00
Victim of assault and battery	
ARMSTRONG, RICHARD	459.94
Victim of assault and battery	
AUSTIN, MICHAEL D.	277.00
Victim of assault and battery	
BARBIETO, ROGILIO O.	10,000.00
Victim of aggravated assault and battery	
BARON, DANIEL	1,146.66
Victim of assault and battery	
BAUMGARTNER, PAUL	77.56
Victim of assault and battery	
BELTRAN, MARTHA P.	816.72
P 69-56	
BRIGHT, GIDEON K.	200.00
Victim of aggravated assault and battery	
BURNETT, STEPHEN ERLE	1,918.64
Victim of assault and battery	
BURTON, JOEL S.	728.00
Victim of assault and battery	
CABRAL, MARION F.	285.00
Father of Marian Lois Cabral, victim of murder	
CARR, RYOKO O.	800.00
Victim of aggravated assault and battery	
CHING, JOSEPH Y. K.	2,868.25
Victim of assault and battery	
CHING, MARY M.	336.46
Victim of assault and battery	
CHRISTY, VIRGINIA LEE	270.46
Victim of assault and battery	
CLIFFORD, ANGELA	9,750.00
Dependent wife of John H. Clifford, victim of murder	
CONDUIT, WILLIAM R.	84.10
Victim of assault and battery	
COROTAN, GREGORY M.	744.00
Victim of assault and battery	
CUNNINGHAM, MICHAEL T. L.	280.58
Victim of assault and battery	
DELA ROSA, PASCUAL	3,032.28
Victim of aggravated assault and battery	
DE SANTOS, ETHEL	96.48
Mother of Faye Dudoit, a minor, victim of assault and battery	
DICKEY, MARIAN	699.35
Victim of assault and battery	
DREGGORS, DONALD K., JR.	1,982.80
Victim of aggravated assault and battery	

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DZUGALO, DAVID	\$ 367.75
Victim of aggravated assault and battery	
DZUGALO, EDWARD	2,249.19
Victim of aggravated assault and battery	
ELEAKALA, ANNA	851.75
Victim of assault and battery	
FERNANDEZ, RICKY	200.00
Victim of assault and battery	
FLORES, JACK G.	3,521.35
Victim of assault and battery	
FOPPE, DONALD L.	412.00
Husband of Gladys P. Foppe, victim of murder	
GALVES, CARLOS S.	2,423.18
Victim of aggravated assault and battery	
GERTH, ALVIN	817.66
Victim of assault and battery	
GRACE, GEORGE, JR.	164.30
Victim of assault and battery	
GRINDELAND, KENNETH C.	226.88
Victim of assault and battery	
HALUAPO, JAMES K.	404.25
Victim of assault and battery	
HASEGAWA, YUKI	2,230.07
Victim of assault and battery	
HAUPT, HATTIE N.	189.48
Victim of assault and battery	
HAWORTH, PATRICIA SUE	580.73
Victim of aggravated assault and battery	
HAZZARD, LYNN N.	170.50
Victim of assault and battery	
HENN, SHERI LYN	895.00
70-20	
HIGUCHI, LAWRENCE M.	409.50
Victim of assault and battery	
HO, DOROTHY TUFFY	894.44
Victim of assault and battery	
IGNACIO, GORDON A.	1,475.86
Victim of assault and battery	
IRIE, MITSUE	431.19
Victim of assault and battery	
JARQUIO, SILVINO B.	694.15
Victim of assault and battery	
KAAIAKAMANU, CLYDE W.	168.50
Victim of assault and battery	
KAKALIA, CLARA L.	1,070.40
Former wife of George Malama, victim of murder, on behalf of two minor children	
KALAULI, FREDRICK	1,500.66
Victim of aggravated assault and battery	
KALPAKOFF, KAREN	1,019.36
P 69-72	
KAPELE, JOHN K.	1,232.15
Victim of aggravated assault and battery	
KEA, WILLIAM M.	2,436.38
Victim of aggravated assault and battery	
KIM, LOUISE	1,606.96
Daughter of Ethel Marie Abrams, victim of murder	
KISCH, HELEN	2,040.21
Victim of assault and battery	

KOIKE, TERU A.	\$ 2,082.74
Victim of assault and battery	
KUAANA, STANFORD R.	127.48
Victim of assault and battery	
LINDO, JANET H.	210.28
Victim of assault and battery	
LONGLEY, GAIL N.	1,177.39
Victim of assault and battery	
LOPES, MARY V.	330.60
Victim of assault and battery	
LUM, CHEW NAM	242.54
Victim of assault and battery	
MAK, SUSANA	1,418.58
Victim of assault and battery	
MAU, HELEN L.	1,172.00
Victim of assault and battery	
MINKLER, CRAIG	620.00
Victim of aggravated assault and battery	
MINKLER, ESTRELLA	2,771.00
Victim of aggravated assault and battery	
MURPHY, JAMES R.	500.00
Victim of assault and battery	
OJERIO, ALEJANDRO M.	326.90
Victim of assault and battery	
OSUMI, TATSUZO	991.10
Victim of assault and battery	
PESTANO, GEORGE P.	605.52
Victim of aggravated assault and battery	
PROVANCHER, ROGER A.	2,050.00
Victim of assault and battery	
RICHARDS, BRUCE PAUL	147.76
Victim of aggravated assault and battery	
SAGISI, DOMINGO	909.65
Victim of assault and battery	
SEABURY, FRANK D., JR.	400.00
Victim of aggravated assault and battery	
SEYMOUR, CONNIE E.	177.00
Victim of assault and battery	
SHIGEMASA, JOHN H.	3,966.17
Victim of aggravated assault and battery	
SHIMABUKURO, ARLENE	86.00
Victim of assault and battery	
SILVA, EUGENE E.	2,685.88
Victim of assault and battery	
TAMASHIRO, YOSHIKO	2,429.50
Mother of Helen H. Tamashiro, victim of murder	
TANIGUCHI, JAMES M.	1,381.65
Victim of aggravated assault and battery	
TASAKA, STANLEY T.	862.80
Victim of assault and battery	
TISBY, DEXTER	1,143.60
Victim of aggravated assault and battery	
TOMITA, ELLEN F.	467.08
Victim of assault and battery	
TSCHEEKAR, DAVID MARTIN	200.00
Victim of aggravated assault and battery (6/17/69)	
TSCHEEKAR, DAVID MARTIN	832.80
Victim of aggravated assault and battery (3/10/70)	

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UYENO, HARRIET H.	\$ 1,716.88
Victim of assault and battery	
VALDEZ, EUGENIO G.	1,364.79
Victim of aggravated assault and battery	
VASQUES, BENJAMIN O.	2,689.34
Victim of assault and battery	
VINCZE, MARGARET B.	201.30
Victim of assault and battery	
WALKER, ALAN F.	194.84
Victim of assault and battery	
WALTER, SUSAN JOAN	1,269.36
P 69-71	
WALTHER, ROBERT A.	1,400.58
Victim of aggravated assault and battery	
WILLIS, HELEN M.	1,065.48
Victim of assault and battery	
WINN, ANN V.	734.84
Victim of assault and battery	
YOSHIKAWA, WESLEY M.	383.23
Victim of assault and battery	

SECTION 2. The sums appropriated in section 1 of this Act shall be paid upon warrants issued by the comptroller of the State upon vouchers approved by the director of the department of budget and finance.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$146,152.57, or so much as may be necessary, to the department of social services and housing, for the purpose of compensating the following named persons pursuant to Chapter 351, Hawaii Revised Statutes, the Criminal Injuries Compensation Act, and orders which have been issued thereunder, in the amounts set out opposite their respective names:

ACOPA, PETRA	9,745.00
Dependent wife of Pablo Acoba, victim of murder	
ALEXANDER, JOHN F.	170.78
Father of John P. Alexander, a minor, victim of assault and battery, of which \$100 shall be paid to the victim	
ASAO, NORMAN H.	1,144.97
Father of Norman T. Asao, a minor, victim of assault and battery, of which \$662.80 shall be paid to the victim	
BLIZZARD, ALMA M.	9,745.00
Dependent wife of Charles E. Blizzard, victim of murder, on behalf of herself and two minor children	
BREDE, GLADYS	845.35
Mother of Scott S. Brede, a minor, victim of aggravated assault and battery, of which \$300 shall be paid to the victim	
BROWN, CECIL M.	328.44
Victim of aggravated assault and battery (includes attorney's fee of \$150 as part of total award)	
BOLOSAN, LEOPOLDO G.	2,132.27
Victim of aggravated assault and battery (includes attorney's fee of \$210 as part of total award)	
CULBERTSON, CHARLES S.	200.00
Victim of assault and battery (to be paid to the Chief Clerk, First Circuit Court, Guardian of the estate of the victim)	
DIOSCORO, REMIGIO	878.73
Victim of aggravated assault and battery (includes attorney's fee of \$120 as part of total award)	

FULLARD-LEO, AINSLEY K.	\$ 2,426.76
Victim of aggravated assault and battery (includes attorney's fee of \$280 as part of total award)	
JOHNSON, DARRYL D.	9,745.00
Guardian for and on behalf of Jillane Marie Johnson, minor child of Robert A. Johnson, victim of murder (includes attorney's fee of \$350 as part of total award)	
KAINOA, AGNES I.	2,886.00
Victim of aggravated assault and battery	
KIYABU, AVIS A.	8,770.50
Dependent wife of Kenneth Masashi Kiyabu, victim of murder, on behalf of herself and one minor child	
LEN, CAROLYN F.	7,950.07
Victim of aggravated assault and battery (includes attorney's fee of \$500 as part of total award)	
MALAMA, JOAN M.	8,674.60
Dependent wife of George Malama, victim of murder, on behalf of herself and five minor children (includes attorney's fee of \$300 as part of total award)	
MCCABE, STEPHEN K.	3,439.81
Father of Stanley K. McCabe, a minor, victim of aggravated assault and battery, of which \$1,575.00 shall be paid to the victim when he reaches the age of majority	
MUSCHEK, BETTY ANN L.	3,515.83
Victim of aggravated assault and battery	
NISHIMURA, YOSHIKO	403.36
Mother of Curtis Nishimura, a minor, victim of assault and battery, of which \$250 shall be paid to the victim	
NOWAKOWSKI, GEORGE A.	2,376.08
Victim of aggravated assault and battery (includes attorney's fee of \$350 as part of total award)	
OBARA, MARY ANN. Y.	10,000.00
Dependent wife of Masaharu Obara, victim of murder, on behalf of herself and one minor child	
OBARA, WATARU	10,000.00
Victim of aggravated assault and battery	
OCLARAY, LOUIS	410.90
Father of Marie Oclaray, a minor, victim of assault and battery, of which \$300 shall be paid to the victim when she reaches the age of majority	
OTAKE, LORRAINE K.	9,495.00
Dependent wife of Harry Takashi Otake, victim of murder, on behalf of herself and three minor children	
PANG, SAMUEL	845.82
Father of Sharn K. M. Pang, a minor, Case 70-42, of which \$800 shall be paid to the victim when she reaches the age of majority	
PEDRO, ROSITA T.	9,745.00
Dependent wife of Albert A. Pedro, victim of manslaughter, on behalf of herself and five minor children	
PERREIRA, GILBERT, SR.	6,000.00
Husband of Beverly A. Perreira, victim of murder, on behalf of himself and six minor children (includes attorney's fee of \$500 as part of total award)	
PONCE, JUEVETINIA D.	4,532.30
Mother of Wendy Lee Ponce, a minor, victim of aggravated assault and battery, of which \$4,400 shall be paid to the victim (includes attorney's fee of \$300 as part of total award)	

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ROMPON, FELICIDAD C.	\$ 9,745.00
Dependent wife of Enrique Rompon, victim of murder, on behalf of herself and one minor child	
SCOTT, ELIZABETH K.	10,000.00
Dependent wife of Gordon S. Scott, victim of murder, on behalf of herself and two minor children (includes attorney's fee of \$300 as part of total award)	

SECTION 4. Anything in this Act and the law, including chapter 37, to the contrary notwithstanding, the funds appropriated under section 3 of this Act which are unencumbered and unexpended at the close of any fiscal year shall not lapse and shall not be used for any other purpose.

SECTION 5. If any portion of this Act or its application to any circumstances or persons is held invalid for any reason, the remainder thereof shall not be affected thereby.

SECTION 6. This Act shall take effect upon its approval.  
(Approved May 20, 1971.)

ACT 72

H. B. NO. 1577

A Bill for an Act Relating to Divorce.

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

SECTION 1. Section 580-45, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 580-45 Decree.** If after a full hearing, the court or judge is of opinion that a divorce ought to be granted, either from the bonds of matrimony or from bed and board, a decree shall be signed, filed, and entered, which shall take effect from and after such time as may be fixed by the court or judge in the decree. In case of a decree dissolving the bonds of matrimony, such time so fixed shall not be more than one month from and after the date of the decree.

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

SECTION 2. Section 571-45, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 571-45 Investigation prior to disposition.** Except where the requirement is waived by the judge a social study and a report in writing shall be made in the case of a minor concerning whom a petition has been filed under subsection 571-11(1) and (2). The study shall be initiated upon the filing of a petition except in petitions filed under 571-11(1) when it is ascertained that the minor denies the allegations set forth in the petition. In such case the study shall proceed only after the court after hearing has made a finding as to the allegations of the petition.



Except where the requirement is waived by the judge, social studies shall also be made in proceedings to decide disputed or undetermined legal custody and in custody disputes arising out of a divorce action. In all other awards of custody arising out of a divorce action, including those where an agreement with respect to custody has been made by the parties, and in any other case or class of cases, the judge may order a social study when he has reason to believe such action is necessary to assure adequate protection of the minor or of any other person involved in the case, provided that when custody of a child less than fourteen years of age arises out of a divorce action, the judge, prior to granting a final decree of divorce, shall order a social study to assure adequate protection of such minor. The judge by special order or by rule of court may require a social study in support cases covering financial ability and other matters pertinent to making an order of support. The use of such studies in custody and support hearings shall be subject to the applicable provisions of section 571-41.

Social studies required by this section shall be presented to and considered by the judge prior to making disposition.

The judge may order and use a presentence investigation with respect to any criminal action under the jurisdiction of the court in accordance with the existing provisions of the law with respect to the making and use of such studies."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall take effect on July 1, 1971.

(Approved May 20, 1971.)

## ACT 73

H. B. NO. 52

A Bill for an Act Relating to Bonds to Keep the Peace.

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

SECTION 1. Findings and purpose. The legislature finds that although peace bond proceedings are intended to provide preventative justice by deterring a person who has done nothing legally wrong from committing an offense in the future, peace bonds can have an undeniably punitive effect since they result in punishment for persons who are unable to give security and must bear the stigma of imprisonment. The purpose of this Act is to modify the law on peace bonds to assure minimum due process standards in peace bond proceedings.

SECTION 2. Section 709-31, Hawaii Revised Statutes, is amended to read as follows:

\* Edited accordingly.

**“Sec. 709-31 Offense against complainant, arrest.** (a) A complaint may be made to any district judge or magistrate that a person has threatened to commit an offense against the person or property of another.

(b) When a complaint is made pursuant to subsection (a) the judge or magistrate shall examine the complainant and any witnesses he may produce, take their depositions under oath or affirmations in writing, cause the depositions to be subscribed by the persons making them, and reduce the complaint to writing.

(c) If it appears from the depositions that there is just cause to fear the commission of the offense threatened by the person complained of, the judge or magistrate shall issue a warrant or penal summons reciting the substance of the complaint and commanding that person to be arrested and brought before the judge or magistrate or summoned to appear before the judge or magistrate.

SECTION 3. Section 709-33, Hawaii Revised Statutes, is amended to read as follows:

**Sec. 709-33 Trial; bond protecting complainant.**

(a) The judge or magistrate before whom any person is brought under section 709-31 shall examine the complainant and witnesses in support of the complainant, under oath or affirmation, in the presence of the person complained of, in relation to any matters connected with the complaint which are deemed pertinent, after which witnesses in support of the person complained of shall be examined under oath or affirmation. The person complained of may cross-examine the complainant and witnesses in support of the complainant and may be assisted by counsel at the examination proceedings.

(b) If upon examination it appears that there is just cause to fear the commission of the offense by the person complained of, he may be ordered not to commit the offense or may be required to give bond in a sum proportioned to the nature of the offense, with sufficient surety that he will commit no offense against the person or property of the complainant. If it appears that there is no just cause to fear the commission of the offense, then the person complained of shall be discharged and any record of his arrest shall be expunged.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 24, 1971.)

\* Edited accordingly.

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

SECTION 1. Section 291-5, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 291-5 Evidence of intoxication.** In any criminal prosecution for a violation of section 291-4, the amount of alcohol in the defendant’s blood within three hours after the time of the alleged violation as shown by chemical analysis or other approved analytical techniques of the defendant’s blood or breath shall be competent evidence that the defendant was under the influence of intoxicating liquor at the time of the alleged violation and shall give rise to the following presumptions:

- (1) If there was five-hundredths per cent or less by weight of alcohol in the defendant’s blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor at the time of the alleged violation.
- (2) If there was in excess of five-hundredths per cent but less than ten-hundredths per cent by weight of alcohol in the defendant’s blood, such fact may be considered with other competent evidence in determining whether or not the defendant was at the time of the alleged violation under the influence of intoxicating liquor but shall not of itself give rise to any presumption.
- (3) If there was ten-hundredths per cent or more by weight of alcohol in the defendant’s blood, it shall be presumed that the defendant was under the influence of intoxicating liquor at the time of the alleged violation.

The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor at the time of the alleged violation.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 24, 1971.)

ACT 75

H. B. NO. 622

A Bill for an Act Relating to Vehicle Gross Weight, Axle and Wheel Loads.

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

SECTION 1. Section 291-35, Hawaii Revised Statutes, is amended to read:

**“Sec. 291-35 Gross weight, axle, and wheel loads.** No motor vehicle or other power vehicle or combination of such vehicles equipped wholly with

\* Edited accordingly.

pneumatic tires, which has a total gross weight, including vehicle and load, an axle load or a wheel load in excess of the limits set forth in this section shall be operated or moved upon any public road, street, or highway within the State, provided, that the maximum gross weights, axle loads and wheel loads allowed under this section shall be inapplicable when its application would adversely affect the receipt of federal funds for highway purposes; and provided further, that no vehicle or combination of vehicles shall be operated on or moved over any bridge or other highway structure if the total gross weight, including vehicle and load, exceeds the posted maximum gross load limitation for the bridge or other highway structure.

(1) The total gross weight, in pounds, imposed on any public road, street or highway within the State by any group of two or more consecutive axles on a vehicle or combination of vehicles shall not exceed the following when the distance between the first and last axles of the group under consideration is:

- (A) Less than forty-two inches, the weight imposed shall not exceed twenty-four thousand pounds.
- (B) At least forty-two inches but less than six feet, the weight imposed shall not exceed thirty-two thousand pounds.
- (C) At least six feet but not more than thirteen feet, the weight imposed shall not exceed that determined by the formula  $W = 700 (L + 40)$ .
- (D) Over thirteen feet, the weight imposed shall not exceed that determined by the formula  $W = 800 (L + 40)$ .

As used in items (1) (C), (1) (D) and (2) (B) of this section, 'W' is the total gross weight, in pounds, imposed on public road, street or highway by the group of two or more consecutive axles under consideration and 'L' is the distance in feet between the first and last axle of the group under consideration.

(2) Notwithstanding the limitation of item (1) (D) of this section:

- (A) Vehicles or combinations of vehicles with three, four, or five axles having a single axle weight of not more than eighteen thousand pounds and a distance of nineteen feet or greater but less than fifty-two feet between the first and last axles of any group of three or more consecutive axles under consideration shall be permitted to be operated or moved upon any public road, street, or highway within the State if the total gross weight imposed thereon by the group of three or more consecutive axles under consideration does not exceed that allowed in the following table:

TABLE OF ALLOWABLE MAXIMUM WEIGHTS

Distance to the nearest foot measured between any 3 or more consecutive axles	Allowable weight in pounds for any group of 3 or more consecutive axles		
	3-Axles	4-Axles	5-Axles
19	48,000	52,500	
20	49,000	53,500	

Distance to the nearest foot measured between any 3 or more consecutive axles	Allowable weight in pounds for any group of 3 or more consecutive axles		
	3-Axles	4-Axles	5-Axles
21	49,500	54,000	Not Permitted
22	50,500	54,500	
23	51,000	55,500	
24	52,000	56,000	
25	52,500	56,500	
26	53,500	57,500	
27	54,000	58,000	
28		58,500	
29		59,500	
30		60,000	
31		60,500	
32		61,500	
33		62,000	
34		62,500	
35		63,500	
36		64,000	
37		64,500	
38		65,500	
39		66,000	
40		66,500	
41		67,000	
42		68,000	
43		68,500	
44		69,500	
45		70,000	
46		70,500	
47		71,500	
48		72,000	
49		72,500	
50		73,280	
51		73,280	

Provided, that operators of vehicles under the jurisdiction of the public utilities commission shall file with the commission a copy of the design specifications of the manufacturer or other evidence of the designed gross vehicle weight or gross combination weight.

(B) When the operation of any vehicle or combination of vehicles is limited to a section of public road, street or highway along which there is no structure having an overall length of twenty feet or greater, measured along a line parallel to the center line of the public road, street or highway, the total gross weight imposed thereon by any group of two or more consecutive axles

shall not exceed that determined by the formula  $W = 900(L + 40)$ ; provided that prior to operating a vehicle or combination of vehicles upon any public road, street, or highway under this item, the owner shall first secure a written permit from the appropriate government authority having the duty of maintaining the public road, street or highway. No fee shall be required for the issuance of the permit and the permit shall be valid for a period of one year from date of issuance or until revoked by the issuing authority. Any person violating the conditions set forth in this item or in the permit issued hereunder shall be fined as provided in section 291-37.

(3) No vehicle or combination of vehicles shall be used or operated on any public road, street or highway within the State (A) with a load upon which any single or tandem axle or combination of axles which exceeds the carrying capacity of the axles specified by the manufacturer, or (B) with a total weight in excess of its designed capacity as indicated by its designed gross vehicle weights or gross combination weights.

(4) The total gross weight imposed upon the public road, street or highway by any single axle shall not exceed twenty-four thousand pounds. For the purpose of this section, axles placed in the same transverse plane which are closer than forty-two inches shall be considered as one axle.

(5) The total gross weight imposed upon the public road, street or highway by any one wheel, either single or dual mounting, shall not exceed twelve thousand pounds.

(6) The total average unit pressure imposed upon the highway by an individual tire shall not exceed sixty pounds per square inch of tire contact area with pavement.

Computation of tire contact area shall be made in accordance with the following formula:

Solid tires	Area = $1.2566w^2$
Cushion tires	Area = $1.4922w^2$
Pneumatic tires	Area = $1.5708w^2$

in which 'W' is the measured width in inches of loaded tire impression upon a plane surface."

SECTION 2. Section 291-36, Hawaii Revised Statutes, is amended to read:

**"Sec. 291-36 Exceptions.** (a) The department of transportation, in the case of state highways, or the county engineer in the case of county roads, may in its or his discretion upon application in writing and if good cause appears, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles or special mobile equipment of dimensions or weights, including loads or both, which exceed sections 291-34 and 291-35.

(b) The application for any such permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways over which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

(c) The department of transportation or local authority is authorized to issue or withhold the permit at its discretion, or, if the permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicle described may be operated on the highways indicated, or prescribe conditions as to route, equipment, or speed, or safety measures, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles when necessary to assure against undue damage to the road foundations, surfaces, or structures, and may require such undertaking or other security as may be deemed necessary to protect the highways and bridges from injury, or to provide indemnity for any injury resulting from such operation. The permit shall be valid for one year from date of issuance unless an earlier date of expiration is provided by its terms or unless sooner revoked by the issuing authority.

(d) Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection of any peace officer or traffic officer or employee charged with the care or protection of the highways.

(e) The owner of any vehicle or combination of vehicles found operating in violation of the terms or conditions of any permit or over sections of the highway not covered by the permit shall be subject to the penalties provided in section 291-37.

(f) The restrictions of sections 291-34 and 291-35 shall not apply to the operation of motor vehicles on roads now under the control of the counties where a private individual or corporation actually maintains the county road or roads under an agreement in writing filed with the respective county boards of supervisors or city council. The agreement shall also provide that the individual or corporation shall repair all damages caused to such roads by vehicles belonging to or under the control of the individual or corporation, and upon the neglect or failure of the individual or corporation to repair such road or roads as provided in such agreements, the county may repair such damages and charge the cost thereof to and collect the same from the individual or corporation.

(g) Nothing in this chapter shall prevent motor vehicles with a width of greater than nine feet, including load, from crossing any public road, street, or highway within the State.

(h) No provision herein shall be so construed as to prevent the passage of ordinances by any county which impose restrictions more severe in nature."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved May 24, 1971.)

\* Edited accordingly.

A Bill for an Act Amending Section 281-41, Hawaii Revised Statutes, Relating to the Transfer of Liquor Licenses.

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

SECTION 1. Section 281-41, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 281-41. Transfer of licenses; notice of change in officers, directors and stockholders of corporate licensees; penalty.** No license issued under this chapter shall be transferable or be transferred within one year of its original issuance, except for good cause shown to the satisfaction of the liquor commission. No license issued under this chapter shall be transferable or be transferred except upon written application to the commission by the proposed transferee, and after prior inspection of the premises, reference to, and report by an inspector, and a public hearing held by the commission not less than fourteen days after one publication of notice thereof, but without sending notice of the hearing by mail to persons being the owners or lessees of real estate situate within the vicinity of the premises and without the right to such owners or lessees to protest the transfer of a license.

Where a license is held by a partnership, the commission may, notwithstanding this section, transfer the license upon the death or withdrawal of a member of the partnership to any remaining partner or partners without publication of notice and without public hearing.

Where a license is held by a limited partnership, the admission or withdrawal of a limited partner shall not be deemed a transfer of the license held by the partnership, but the licensee shall, within thirty days from the date of such admission or withdrawal, so notify the commission in writing, stating the name of the partner or partners who have withdrawn, if such be the case, and the name, age and place of residence of the partner or partners who have been admitted, if that be the case. If the commission finds a limited partner to be an unfit or improper person to hold a license in his own right pursuant to section 281-45, it may revoke the license or suspend the license of the partnership until the unfit or improper partner is removed or replaced.

Except as otherwise provided in this section, the same procedure shall be followed in regard to the transfer of a license as is prescribed by this chapter for obtaining a license. Sections 281-51 to 281-60, except where inconsistent with any provision hereof, are hereby made applicable to such transfers. The word ‘applicant’, as used in such sections, shall include each such proposed transferee, and the words, ‘application for a license or for the renewal of a license’, as used in such sections, shall include an application for the transfer of a license.

Upon the hearing, the commission shall consider the application and any objections to the granting thereof, and hear the parties in interest. It shall inquire into the propriety of each transfer and determine whether the proposed transferee is a fit person to hold the license. It may approve a transfer or refuse to approve a transfer, and the refusal by the commission to approve



a transfer shall be final and conclusive, unless an appeal is taken as provided in chapter 91.

If any licensee without such approval transfers to any other person his business for which his license was issued, either openly or under any undisclosed arrangement whereby any person other than the licensee comes into possession or control of the business, or takes in any partner or associate the commission may in its discretion suspend or cancel the license.

If the licensee is a corporation, a change in ownership of any outstanding capital stock shall not be deemed a transfer of a license; provided, that in the case of a change in ownership of twenty-five per cent or more of the stock or in the case of change in ownership of any number of shares of the stock which results in the transferee thereof becoming the owner of twenty-five per cent or more of the outstanding capital stock, the corporate licensee shall, within thirty days from the date of such transfer, notify the commission in writing. In addition, the corporate licensee shall, within thirty days from the date of election of any officer or director, notify the commission in writing of the name, age, and place of residence of such officer or director. If the commission finds the transferee, officer or director an unfit or improper person to hold a license in his own right pursuant to section 281-45, it may in its discretion revoke the license or suspend the license until a retransfer or new transfer of such capital stock is effected to a fit or proper person pursuant to section 281-45 or until the unfit or improper officer or director is removed or replaced.

If a licensee closes out the business for which the license is held, during the term for which the license was issued, he shall, within five days from the date of closing the same, give the commission written notice thereof and surrender his license for cancellation."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.  
(Approved May 24, 1971.)

## ACT 77

H. B. NO. 1569

A Bill for an Act Relating to Divorce and Separation.

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

SECTION 1. Sections 580-42(4), 580-55 and 580-73 of the Hawaii Revised Statutes are hereby repealed.

SECTION 2. A new section, to be appropriately numbered by the revisor of statutes, is hereby added to Chapter 580 of the Hawaii Revised Statutes, to read as follows:

\* Edited accordingly.

**"Section 580- . Recrimination no defense.** Recrimination shall not be a defense to an application for divorce or separation."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved May 24, 1971.)

ACT 78

S. B. NO. 36

A Bill for an Act Relating to a Firearms and Dangerous Weapons Control Act.

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

SECTION 1. Section 134-7, Hawaii Revised Statutes, is hereby amended to read as follows:

**"Section 134-7 Ownership or possession by fugitive from justice or by person convicted of certain crimes prohibited; penalty.**

(a) No person who is a fugitive from justice shall own or have in his possession or under his control any firearm or ammunition therefor. As used in this section the term 'fugitive from justice' means any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a felony or to avoid giving testimony in any criminal proceeding.

(b) No person who has been convicted in this State or elsewhere of having committed a felony or of the illegal use and possession or sale of any drug shall own or have in his possession or under his control any firearm or ammunition therefor.

(c) Any person violating this section or section 134-6 shall be imprisoned for a term of not less than one year nor more than two years without probation."

SECTION 2. Section 134-8, Hawaii Revised Statutes, is hereby amended to read as follows:

**"Section 134-8 Ownership, etc., of machine guns, automatic rifles, silencers, etc., prohibited; penalty.** The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any machine guns, submachine guns, automatic rifles, or rifles with barrel lengths less than 16 inches or shotguns with barrel length less than 18 inches, cannon, mufflers, silencers, or devices for deadening or muffling the sound of discharged firearms, or any hand grenade, dynamite or other explosives, blasting caps, bombs or bombshell is prohibited. Any person violating this section shall be imprisoned for a term of not less than two years nor more than five years, without probation."

SECTION 3. The last paragraph of section 134-9, Hawaii Revised Statutes, is hereby amended to read as follows:

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\* Edited accordingly.

“Any person violating this section shall be imprisoned for a term of not less than two years nor more than five years, without probation.”

SECTION 4. The last sentence of section 134-10, Hawaii Revised Statutes, is hereby amended to read as follows:

“Any person who violates this section shall be imprisoned for a term of not less than one year nor more than two years, without probation.”

SECTION 5. Section 724-3, Hawaii Revised Statutes is hereby amended to read as follows:

“**Section 724-3 Aggravated offenses.** Whoever commits an assault or a battery

- (1) With any firearm or other weapon obviously and imminently dangerous to life, or
- (2) With intent to maim or disfigure another, or
- (3) With intent to commit any felony, or
- (4) While preparing to commit, while in the process of committing, or while leaving or fleeing the scene of the commission of, any felony, shall be imprisoned at hard labor for a term of not less than two years nor more than five years, without probation.”

SECTION 6. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 7. This Act shall take effect upon its approval.

(Approved May 24, 1971.)

## ACT 79

S. B. NO. 599

A Bill for an Act Amending Chapter 281, Hawaii Revised Statutes, Relating to Intoxicating Liquors.

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

SECTION 1. Chapter 281, Hawaii Revised Statutes, is amended by adding a new section to be appropriately numbered and to read as follows:

“**Sec. 281- . Prohibitions involving minors; penalty.**

- (a) No adult shall purchase liquor for consumption or use by a minor.
- (b) No minor shall purchase liquor and no minor shall have liquor in his possession or custody in any motor vehicle on a public highway or in any public place, public gathering, or public amusement or at any public beach or public park; provided that notwithstanding any other law to the contrary, this subsection shall not apply to possession or custody of liquor by a minor in the course of delivery pursuant to the direction of his employer lawfully engaged in business necessitating such delivery, or in connection with his authorized participation in religious ceremonies requiring such possession or custody.

**ACT 80**

(c) No minor shall falsify any identification or use any false identification or identification of another person or of a fictitious person for the purpose of buying or attempting to buy liquor or for the purpose of obtaining employment to sell or serve liquor on licensed premises.

(d) Any person who violates this section shall be imprisoned not more than six months or fined not more than \$500, or both."

SECTION 2. Section 281-102, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 281-102 Other Offenses; penalty.** If any person violates this chapter or any rule or regulation in effect by authority of this chapter, whether in connection therewith a penalty is referred to or not, for which violation no penalty is specifically prescribed, imprisoned not more than six months or fined not more than \$500, or both."

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 24, 1971.)

**ACT 80**

**S. B. NO. 747**

A Bill for an Act Making an Appropriation for the Establishment of a Four Year Medical School at the University of Hawaii.

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

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$299,000, or so much thereof as may be necessary, to initiate the research and development phase of expanding the present two year Medical School to a degree granting program.

SECTION 2. The sum appropriated shall be expended by the University of Hawaii for the purposes of this Act.

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

(Approved May 24, 1971.)

**ACT 81**

**S. B. NO. 48**

A Bill for an Act Relating to Civil Service and Exemptions.

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

SECTION 1. Section 76-16, Hawaii Revised Statutes, is amended to read:

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\* Edited accordingly.

**“Sec. 76-16. Civil service and exemptions.** The civil service to which this part applies comprises all positions in the state service now existing or hereafter established and embraces all personal services performed for the State, except the following:

- (1) Commissioned and enlisted personnel of the Hawaii national guard as such, and positions in the Hawaii national guard which are required by state or federal laws or regulations, or orders of the national guard, to be filled from such commissioned or enlisted personnel;
- (2) Positions filled by persons employed by contract where the director of personnel services has certified that the service is special or unique, is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform such service cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year;
- (3) Positions of a temporary nature needed in the public interest where the need for the same does not exceed ninety days, but before any person may be employed to render such temporary service the director shall certify that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practicable; provided, that the employment of any person for service of a temporary nature may be extended for good cause for an additional period not to exceed ninety days upon similar certification by the director;
- (4) Positions filled by the legislature or by either house or any committee thereof;
- (5) Employees in the office of the governor and household employees at Washington Place and six employees in the office of the lieutenant governor;
- (6) Positions filled by popular vote;
- (7) Department heads, officers and members of any board, commission, or other state agency whose appointments are made by the governor or are required by law to be confirmed by the senate;
- (8) Judges, referees, receivers, masters, jurors, jury commissioners, notaries public, land court examiners, court commissioners, and attorneys appointed by a state court for a special temporary service;
- (9) One secretary or clerk for each justice of the supreme court and each judge of the circuit court; one law clerk for each justice of the supreme court and each judge of the circuit court (provided that the law clerk for a judge of the circuit court shall be employed in lieu of and shall have the powers and duties of a court officer and bailiff under section 606-14); and one private secretary for each department head, each deputy or first assistant, and each additional deputy, or assistant deputy, or assistant defined in subparagraph (17);
- (10) Assistant and deputy attorneys general and law clerks;
- (11) Teachers, principals, vice-principals, district superintendents, chief deputy superintendents, other certificated personnel, and not more

than twenty non-certificated administrative, professional, and technical personnel not engaged in instructional work in the department of education, and members of the faculty of the University of Hawaii, including research workers, extension agents, personnel engaged in instructional work and administrative, professional, and technical personnel of the university;

- (12) Employees engaged in research projects approved by the governor, for which projects federal funds are available, provided the period of employment shall not exceed one year;
- (13) Election inspectors, election clerks and other election employees;
- (14) Positions filled by inmates, kokua, patients, and students of state institutions, and persons with severe physical or mental handicaps participating on the work experience training programs under Titles 1 and 2 of the Federal Manpower Development and Training Act of 1962 as amended;
- (15) A custodian or guide at Iolani Palace, Royal Mausoleum, and Hulihee Palace;
- (16) Positions filled by persons employed on a fee, contract, or piecework basis who may lawfully perform their duties concurrently with their private business or professions or other private employment and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time to be devoted to the service of the State;
- (17) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, article IV, of the State Constitution, additional deputies or assistants in charge of the highways, harbors, and airports divisions within the department of transportation, one additional deputy to administer all hospitals within the jurisdiction of the department of health, and an administrative assistant to the superintendent of education;
- (18) Positions specifically exempted from this part by any other law; provided, that all of the positions defined by subparagraph (9) shall be included in the positions classification plan;
- (19) Positions in the State foster grandparent program and positions for temporary employment of senior citizens in occupations in which there is a severe manpower shortage or in special projects.

The director shall determine the applicability of this section to specific positions.

Nothing in this section shall be deemed to affect the civil service status of any incumbent, as it existed on July 1, 1955."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 24, 1971.)

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\* Edited accordingly.

## ACT 82

H. B. NO. 383

A Bill for an Act Relating to Fishing with Firearms and Spears.

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

SECTION 1. Section 188-25, Hawaii Revised Statutes, is amended to read:

**“Sec. 188-25. Fishing with firearms, spears.** (a) It shall be unlawful for any person to pursue, take or kill any turtle, crustacean, mollusk, aquatic mammal or fish other than sharks in the waters of the State with firearms as defined in section 134-1 or to pursue, take or kill any crustacean with a spear. (b) It shall be unlawful for any person below the age of fourteen years who is not accompanied by an adult to use a spear-gun in the waters of the State. (c) It shall be unlawful for any person to sell or offer to sell any turtle or fish other than sharks taken or killed with a spear, provided that turtles or fish may be lawfully taken or killed with a spear for home consumption only.

Any turtle, crustacean, mollusk, aquatic mammal or fish taken, killed or offered for sale in violation of this section shall be confiscated and offered as evidence. For the purpose of this section, “spear-gun” shall mean any artificial device used to propel a spear or spears by means of compressed air or gas, elastic, spring or any motive power. Whosoever violates this section shall be fined not less than \$10 nor more than \$50, or imprisoned not less than ten nor more than twenty days, or both.

It shall be unlawful for any person to take, by the use of spears, any fish which is smaller than the minimum size for the fish as specified in section 188-40 and any person violating this provision shall be punished as provided in the preceding paragraph.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved May 24, 1971.)

## ACT 83

H. B. NO. 387

A Bill for an Act Relating to Lease of Public Lands as Camp Sites and for other Activities.

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

SECTION 1. Section 171-43, Hawaii Revised Statutes, is amended to read:

**“Section 171-43 Lease of campsites or sites for youth athletic and/or educational activities.** The board of land and natural resources may directly

\* Edited accordingly.

lease without recourse to public auction to any eleemosynary or religious organization camp sites or sites for youth athletic and/or educational activities in a state park area or on lands under the control of the department of land and natural resources at nominal consideration. Where the lease is for camp sites, the lease shall provide that the lessee shall permit the public to use the camp sites at the rates approved by the board in its rules and regulations. Except as provided herein, the terms and conditions of sections 171-33, 171-35 and 171-36 shall apply.”

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes may exclude the underscoring.\*

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

(Approved May 24, 1971.)

A Bill for an Act Relating to Practicing Psychologists.

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

SECTION 1. Section 465-1, Hawaii Revised Statutes, is amended to read:

“**Sec. 465-1 Definitions.** As used in this chapter:

- (1) ‘Board’ means the board of certification for practicing psychologists.
- (2) ‘Director’ means the director of regulatory agencies.
- (3) ‘Application fee’, ‘renewal fee’, ‘temporary permit fee’, and ‘examination fee’ mean the fees in the schedule set forth in section 465-12.
- (4) ‘Psychologist’ means a person who engages in the practice of psychology as hereinafter defined.
- (5) A person practices ‘psychology’ who performs any professional service which consists of, requires, and is limited to the application of psychological principles and procedures for the purpose of understanding, predicting, or influencing the behavior of individuals in order to assist in their attainment of maximum personal growth; optimal work; family, school and interpersonal relationships; and healthy personal adjustment. The application of psychological principles and procedures includes: interviewing, counseling and psychotherapy; administering and interpreting instruments for the assessment and evaluation of mental abilities, aptitudes, interests, attitudes, personal characteristics, emotions and motivations; diagnosis, prevention, and amelioration of adjustment problems; hypnosis; the resolution of interpersonal and social conflict; educational and vocational counseling; personnel selection; evaluation and planning for effective work and learning situations; conducting research contributing directly to any of these.”

\* Edited accordingly.



SECTION 2. Section 465-2, Hawaii Revised Statutes, is amended to read:

**“Sec. 465-2 Certification required.** Except as otherwise provided in this chapter, no person shall represent himself to be a psychologist or engage in the practice of psychology without having first obtained a certificate as provided in this chapter.”

SECTION 3. Section 465-3, Hawaii Revised Statutes, is amended to read:

**“Sec. 465-3 Exceptions.** This chapter shall not apply to:

- (1) Any person teaching, lecturing, consulting, or engaging in research in psychology insofar as the activities are performed as part of or are dependent upon employment in a college or university.
- (2) Any person who performs any, or any combination, of the professional services described in Sec. 465-1 (5) under the direction of a person who is qualified or excepted under the provisions in this chapter.
- (3) Any person employed by a local, state, or federal government agency whose psychologists must qualify for employment under government certification or under civil service regulations but only at those times when that person is carrying out the functions of such governmental employment.
- (4) Any person who is a student of psychology, a psychological intern, or a resident in psychology preparing for the profession of psychology under supervision in a training institution or facility and who is designated by a title such as ‘psychological trainee’ or ‘psychology student’ which indicates his training status.
- (5) Any person who holds a license to practice medicine and surgery in the State.
- (6) Nothing in this chapter shall in any way restrict any person from carrying on any of the aforesaid activities, provided that such person does not offer psychological services as defined in this chapter except as such activities are incidental to his lawful occupational purpose.
- (7) Nothing in this chapter shall be construed as permitting the administration or prescription of drugs, or in any way engaging in the practice of medicine as defined in the laws of the State.”

SECTION 4. Section 465-6, Hawaii Revised Statutes is amended to read:

**“Sec. 465-6 Powers and duties.** The board of certification for practicing psychologists shall:

- (1) Examine the qualifications of applicants for certification under this chapter to determine their eligibility for certification as psychologists and forward to the director the names of applicants who are eligible for such certification no later than ninety days after date of application;
- (2) Prepare, administer, and grade such examinations and tests for ap-

plicants as may be required for the purposes of this chapter. The board shall determine the scope and length of such examinations and tests, whether they shall be oral, written, or both and the score that shall be deemed a passing score. Examinations must be scheduled at least once annually;

- (3) Keep a record of action taken on all applicants for certification; the names of all persons certified; petitions for temporary certificates; actions involving suspension, revocation, or denial of certificates; recommendations for reciprocity and receipt and disbursal of any moneys. The board shall report annually in writing to the governor concerning all the official acts of the previous year;
- (4) Promulgate, amend, and repeal pursuant to chapter 91, such rules and regulations as it deems proper for the purposes of this chapter."

SECTION 5. Section 465-7, Hawaii Revised Statutes, is amended to read:

**"Section 465-7 Requirements for certification.** Every applicant for a certificate as a psychologist shall submit evidence satisfactory to the board of certification for practicing psychologists that he meets the requirements set forth in paragraphs (1) and (2) or (3), and (4), of this section:

- (1) He is of good moral character.
- (2) He holds a doctoral degree from an accredited institution of higher education with training and education in the field of psychology adequate to the satisfaction of the board.
- (3) Any person who holds a diplomate certificate in good standing granted by the American Board of Examiners in Professional Psychology.
- (4) He passes such examination as may be prescribed by the board."

SECTION 6. Section 465-8, Hawaii Revised Statutes, is amended to read:

**"Sec. 465-8 Certificates, issuance, display.** Upon the board of certification for practicing psychologists forwarding to the director the name of each applicant who is entitled to a certificate under this chapter and upon receipt of the prescribed fee, the director shall promptly issue to each such applicant a certificate authorizing him to engage in the practice of psychology for a period of one year. The certificate shall be in such form as the director shall determine. A certified psychologist shall display his certificate in a conspicuous place in his principal place of business."

SECTION 7. Section 465-9, Hawaii Revised Statutes, is amended to read:

**"Sec. 465-9 Temporary permit.** A person not certified in the State who wishes to engage in the practice of psychology for a period not to exceed ninety days within a calendar year shall petition the board for a temporary permit. If the person is licensed or certified in another state deemed by the board of certification for practicing psychologists to have standards equivalent to this chapter, he shall be entitled to a temporary permit in the same manner

and subject to the same conditions specified in section 465-8 applicable to the issuance of certificates. The period of ninety days may be extended at the discretion of the board but not to exceed ninety days.”

SECTION 8. Every person holding a valid certificate on the effective date of this Act which had previously been issued to him by the director of regulatory agencies shall be entitled to a new certificate to engage in the practice of psychology, which certificate shall be valid under the provisions of Chapter 465, Hawaii Revised Statutes, as amended.

SECTION 9. Chapter 465, Hawaii Revised Statutes, is amended by adding a new section to be appropriately numbered and to read as follows:

“**Sec. 465-** . Use of the term ‘psychologist’. No person shall advertise or hold himself out, either publicly or privately, as being a psychologist, certified or otherwise, or as being able to perform professional services described in Sec. 465-1 (5), except as otherwise provided in this chapter, without having a valid unrevoked certificate or temporary permit issued by the director.”

SECTION 10. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 11. This Act shall take effect upon its approval.

(Approved May 24, 1971.)

## ACT 85

S. B. NO. 122

A Bill for an Act Relating to Workmen’s Compensation.

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

SECTION 1. Chapter 386, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

“**Section 386 Posting of information.** Each employer shall post and maintain in places readily accessible to individuals in his employ printed statements concerning benefit rights, claims for benefits, and such other matters relating to the administration of this chapter as the department of labor and industrial relations may by regulation prescribe. Each employer shall supply to such individuals copies of such printed statements or other materials relating to claims for benefits when and as the department may by regulation prescribe. Such printed statements and other materials shall be supplied by the department to each employer without cost to the employer.”

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

(Approved May 24, 1971.)

\* Edited accordingly.

A Bill for an Act Relating to Workmen's Compensation.

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

SECTION 1. Section 386-56, Hawaii Revised Statutes, is amended to read:

**“§386-56 Payment from the special compensation fund in case of default.** Where an injured employee or his dependents fail to receive prompt and proper compensation and this default is caused through no fault of the employee, the director of labor and industrial relations shall pay the full amount of all compensation awards and benefits from the special compensation fund to the employee or dependent.

The employer, upon order of the director, shall reimburse the special compensation fund for the sums paid therefrom under this section, and the fund, represented by the director, shall be subrogated to all the rights and remedies of the individual receiving the payments.

In case a defaulting employer moves to another state without reimbursing the special compensation fund, the director shall be authorized to contract, on a contingent fee basis, with a private collection agency in that state to effect collection from said employer.”

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

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

(Approved May 24, 1971.)

A Bill for an Act Relating to Dependents Entitled to Benefits under Workmen's Compensation Law.

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

SECTION 1. Section 386-42(a), Hawaii Revised Statutes, is amended to read:

“(a) The following persons, and no others, shall be deemed dependents and entitled to income, and indemnity benefits under this chapter:

A child who is (1) unmarried and under eighteen years, or (2) unmarried and under twenty years if he is a full time student at a high school, business school, or technical school, or unmarried and under twenty-two years if he is a full time undergraduate student at a college, or (3) unmarried and incapable of self-support, or (4) married and under eighteen years, if actually dependent upon deceased.

The widow, if either living with the deceased at the time of the injury or actually dependent upon him;

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\* Edited accordingly.

The widower, if incapable of self-support and actually dependent upon deceased;

A parent or grandparent, if actually dependent upon the deceased;

A grandchild, brother, or sister, if (1) under eighteen years or incapable of self-support, and (2) actually and wholly dependent upon the deceased.”

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

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

(Approved May 24, 1971.)

## ACT 88

S. B. NO. 627

A Bill for an Act Relating to Hours of Work and Compensation of Fire-fighting Members of Fire Departments.

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

SECTION 1. Section 80-4(d), Hawaii Revised Statutes, is hereby amended to read as follows:

“(d) The hours of work and compensation of the firefighting members of the fire departments of the political subdivisions of the State shall be governed by the following provisions:

- (1) The maximum number of hours of work shall be an average of 63 hours of actual service which shall constitute an average work week and which shall be scheduled and computed on the basis of an eight-week cycle; provided, that for firefighting members of the fire department who are required to work under unique and unusual situations, in a county with a population of 100,000 or less, the maximum number of hours may be reduced by the fire chief with the approval of the mayor;
- (2) The number of hours of each day’s work shall be fixed from time to time by the head of the department; and
- (3) Notwithstanding any other law to the contrary, if any fire-fighting member of the fire departments of the political subdivisions of the State is required to report for duty on any of the following days:
  - January 1;
  - The third Monday in February, known as President’s Day;
  - March 26, known as Kuhio Day;
  - The Friday preceding Easter Sunday, known as Good Friday;
  - The last Monday in May, known as Memorial Day;
  - June 11, known as Kamehameha Day;
  - July 4;
  - The third Friday in August, known as Admission Day;
  - The first Monday in September, known as Labor Day;

\* Edited accordingly.

The second Monday in October, known as Columbus Day;  
The fourth Monday in October, known as Veterans Day;  
December 25;

All election days, except primary election day, in the county wherein the election is held;

Any day designated by proclamation by the President of the United States as a day of thanksgiving, fasting or religious observance, or designated by proclamation by the governor of the State as a holiday; he shall receive in lieu of his straight time pay, payment in cash at the rate of two times his regular rate of pay for all hours of duty. The double time payment shall be in lieu of and not be in addition to his regular straight time pay.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 24, 1971.)

ACT 89

S. B. NO. 767

A Bill for an Act Relating to the Dissemination of Population Stabilization and Family Planning Information to Applicants for Marriage Licenses.

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

SECTION 1. Section 572-5, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 572-5 Marriage License; agent to grant; fee.** (a) The department of health shall appoint, and at its pleasure remove, one or more suitable persons as agents authorized to grant marriage licenses under this chapter in each judicial circuit. Any agent appointed under this subsection and receiving an application for a marriage license, shall collect from the applicant for the license \$5, of which the agent shall retain \$3 for his benefit and compensation and shall remit \$2 to the director of finance of the State.

(b) The department may appoint as regular employees under the civil service and classification laws the number of suitable persons as agents authorized to grant marriage licenses in the district of Honolulu for whom provision has been made in the general appropriation act. In the case of such agents, the full amount collected from applicants shall be remitted to the director of finance as a general realization of the State.

(c) Every agent appointed under this section may administer the oaths required by this chapter to be taken.

(d) The department or its authorized agents shall furnish to each ap-

\* Edited accordingly.

plicant for a marriage license information, to be provided by the department, relating to population stabilization, family planning, and birth control.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 24, 1971.)

**ACT 90**

**S. B. NO. 801**

A Bill for an Act Relating to Retirement Benefits.

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

SECTION 1. Section 88-61 of the Hawaii Revised Statutes, as amended, is amended by adding a new subsection to read as follows:

“(c) The membership of an elective officer or judge in the system may be terminated upon election of the member to retire if made within six months after the date when the allowance for such member reaches 75 per cent of his average final compensation or within six months after the effective date of this act if the member has already reached such limitation and his right to receive the retirement allowance prescribed in section 88-74 after his future separation from service as provided in section 88-73 shall vest on the date of the election. Upon the date of the election, the member shall be entitled to receive the portion of the accumulated contributions, if any, which would be required to be returned to him under section 88-74 (3) (B) as if his retirement allowance had commenced on that date, and after the date of the election he shall not be allowed or required to make any future contributions. No judge shall serve after age 65 who makes an election under this subsection unless said judge is in office and age 65 or over on the date of the enactment of this subsection.”

SECTION 2. Section 88-73 of the Hawaii Revised Statutes, as amended, is amended by adding a new paragraph to read as follows:

“(4) for the purpose of computing or determining benefits for an elective officer or judge, or any beneficiary of either, the date upon which he elected to retire, as provided by section 88-61 (c), after attaining an allowance of 75 per cent of his average final compensation shall be used as the effective date of retirement; provided that the elective officer or judge may continue in active service, but he shall not receive a retirement allowance until he leaves active service; however, upon his leaving active service he shall receive the retirement allowance provided for in section 88-74, together with the post retirement allowances provided for in section 88-90 which post retirement allowances shall be computed from the date of the election as though he had left active service on that day.

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

(Approved May 24, 1971.)

\* Edited accordingly.

A Bill for an Act Relating to the Hawaii Employment Relations Act.  
*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 377-1, Hawaii Revised Statutes, is amended to read:

**“§377-1 Definitions.** When used in this chapter:

- (1) ‘Person’ includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, or receivers.
- (2) ‘Employer’ means a person who engages the services of an employee, and includes any person acting on behalf of an employer, but shall not include the State or any political subdivision thereof, or any labor organization or anyone acting in behalf of such organization other than when it is acting as an employer in fact.
- (3) ‘Employee’ includes any person, other than an independent contractor, working for another for hire in the State, and shall not be limited to the employees of a particular employer unless the context clearly indicates otherwise; and includes any individual whose work has ceased solely as a consequence of or in connection with any current labor dispute or because of any unfair labor practice on the part of an employer and (A) who has not refused or failed to return to work upon the final disposition of a labor dispute or a charge of an unfair labor practice by a tribunal having competent jurisdiction of the same or whose jurisdiction was accepted by the employee or his representatives, (B) who has not been found to be committing or a party to any unfair labor practice hereunder, (C) who has not obtained regular and substantially equivalent employment elsewhere, or (D) who has not been absent from his employment for a substantial period of time during which reasonable expectancy of settlement has ceased (except by an employer’s unlawful refusal to bargain) and whose place has been filled by another engaged in the regular manner for an indefinite or protracted period and not merely for the duration of a strike or lockout; but shall not include any individual employed in the domestic service of a family or person at his home or any individual employed by his parent or spouse, or any person employed in an executive or supervisory capacity, or any individual employed by any employer employing less than two individuals, or any individual subject to the jurisdiction of the Federal Railway Labor Act or the National Labor Relations Act, as amended from time to time; provided, that the term ‘employee’ includes any individual subject to the jurisdiction of the National Labor Relations Act, as amended from time to time, but over whom the National Labor Relations Board has declined to exercise jurisdiction or has indicated by its decisions and policies that it will not assume jurisdiction.
- (4) ‘Representative’ includes any person chosen by an employee to represent him.
- (5) ‘Collective bargaining’ is the negotiating by an employer and a ma-



- jority of his employees in a collective bargaining unit (or their representatives) concerning representation or terms and conditions of employment of such employees in a mutually genuine effort to reach an agreement with reference to the subject under negotiation.
- (6) 'Collective bargaining unit' means all of the employees of one employer (employed within the State), except that where the board has determined and certified that such employees engaged in a single craft, division, department, or plant as provided in section 377-5 (b) constitute a separate bargaining unit they shall be so considered. Two or more collective bargaining units may bargain collectively through the same representative where a majority of the employees or each separate unit have voted by secret ballot as provided in section 377-5(c) so to do.
  - (7) 'Unfair labor practice' means any unfair labor practice as defined in section 377-6 to 377-8.
  - (8) 'Labor dispute' includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.
  - (9) 'All union agreement' means an agreement between an employer and the representative of his employees in a collective bargaining unit whereby all of the employees in such unit are required to be members of a single labor organization.
  - (10) 'Board' means the Hawaii employment relations board, provided for by section 26-20 and 377-2.
  - (11) 'Election' means a proceeding in which the employees in a collective bargaining unit cast a secret ballot for collective bargaining representatives or for any other purpose specified in this chapter and shall include elections conducted by the board, or, unless the context clearly indicates otherwise, by any tribunal having competent jurisdiction or whose jurisdiction was accepted by the parties.
  - (12) 'Secondary boycott' includes combining or conspiring to cause or threaten to cause injury to one with whom no labor dispute exists, whether by (A) withholding patronage, labor, or other beneficial business intercourse, (B) picketing, (C) refusing to handle, install, use, or work on particular materials, equipment, or supplies, or (D) by any other unlawful means, in order to bring him against his will into a concerted plan to coerce or inflict damage upon another.
  - (13) 'Person employed in an executive or supervisory capacity' means any employee who has the authority to hire or fire other employees or whose suggestions and recommendations as to hiring or firing and as to the advancement, promotion, or demotion of other employees will be given particular weight; but shall not mean registered nurses whose compensation is determined on an hourly basis or who are subject to supervision by any person other than the person in charge of all registered nurses at the employer's premises."

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SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 24, 1971.)

## ACT 92

S. B. NO. 931

A Bill for an Act Relating to Payment of Contractors.

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

SECTION 1. Section 444-25, Hawaii Revised Statutes is amended to read as follows:

**“Section 444-25. Payment for goods and services.** A contractor shall pay his subcontractor for any goods and services rendered within sixty days after receipt of a proper statement by the subcontractor that the goods have been delivered or services have been performed. The subcontractor shall be entitled to receive interest on the unpaid principal amount at the rate of one percent per month commencing on the sixtieth day following receipt of the statement by the contractor, provided that this section shall not apply if the delay in payment is due to a bona fide dispute between the contractor and the subcontractor concerning the goods and services contracted for. If there is no bona fide dispute between the subcontractor and the contractor concerning the goods or services contracted for, the subcontractor shall be entitled to payment for goods and services under this section.

If payment is contingent upon receipt of funds held in escrow or trust, the contractor shall clearly state this fact in his solicitation of bids. If the solicitation for bids contains the statement that the time of payment is contingent upon the receipt of funds held in escrow or trust and a contract is awarded in response to the solicitation, interest will not begin to accrue upon any unpaid balance until the sixtieth day following receipt by the contractor of the subcontractor's statement or the thirtieth day following receipt of the escrow or trust funds, whichever occurs later.”

SECTION 2. Statutory material is bracketed. New material is underscored. In printing this Act the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 24, 1971.)

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\* Edited accordingly.

A Bill for an Act Relating to the Fund Structure of the State.

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

SECTION 1. Section 6-5, Hawaii Revised Statutes, relating to the Captain Cook Memorial Fund, is amended to read:

**“Section 6-5 Captain Cook Memorial Fund.** All moneys in the Captain Cook Memorial Fund or which may be paid into the same from the proceeds of sales or which may be received by way of gift or otherwise for any of the purposes provided by this section, the acceptance of such gifts and the receipt of such funds being authorized, shall be expendable by the comptroller from time to time for any of the purposes provided by this section, and any original historical documents or other articles, or copies, facsimiles, or replicas thereof, so collected, and copies of publications made under the provisions of this section shall be deposited in the archives of Hawaii to constitute a collection to be known as the ‘Captain Cook Memorial Collection’.

The comptroller may purchase or otherwise acquire original books, mementos, pamphlets, documents, or other articles of historical value relating to the life of Captain James Cook, or connected with the history, discovery, and exploration of the Hawaiian Islands, or copies, facsimiles, or replicas thereof or other data relating thereto, and prepare and publish in his discretion books, documents, pamphlets, or other publications relating thereto.

The comptroller may distribute free copies of such publications to libraries, museums, and other places of reference open to the public in the United States or in other countries, not to exceed, however, one-third of the number of copies of each published. The remaining copies may be sold at such reasonable prices as may be fixed by the comptroller, the proceeds of such sales to be paid into the trust fund.”

SECTION 2. Chapter 212, Hawaii Revised Statutes, relating to foreign trade zones, is amended by adding a new section to read:

**“Section 212-9 Special fund.** There is established in the state treasury a fund to be known as the foreign trade zones special fund. All fees or other moneys collected under this chapter shall be deposited in this fund. All moneys in the fund are hereby appropriated for the purposes of and shall be expended by the public corporation for the operation and maintenance of the zone.”

SECTION 3. Section 266-20, Hawaii Revised Statutes, relating to maintenance of small boat harbors, is amended to read:

**“Section 266-20 Maintenance of small boat harbors.** The cost of maintenance and operation of properties under the control and management of the department of transportation which are used principally for recreation and the landing of fish shall be paid from the small boat harbors special fund; provided, if funds collected from the operations of the foregoing facilities for recreation and the landing of fish are insufficient to meet all such costs of operation and maintenance, general fund appropriation may be used to

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augment the small boat harbor special fund, for the purposes thereof.”

SECTION 4. Section 267-13, Hawaii Revised Statutes, relating to the disposition of revenues collected under the boating law, is amended to read:

“**Section 267-13 Disposition of revenues.** All fees and penalties collected pursuant to section 267-12 shall be deposited in the small boat harbors special fund.”

SECTION 5. Chapter 298, Hawaii Revised Statutes, relating to schools and attendance, generally, is amended by adding thereto a new section to be appropriately numbered and to read:

“**Section 298- Summer schools; funds, expenditures.** All moneys received by and for the public summer schools from tuition and other fees or from any other source shall be deposited in a special summer school fund; and except as otherwise provided by the legislature, all expenditures for the operation of public summer schools shall be made from this fund.”

SECTION 6. Chapter 299, Hawaii Revised Statutes, relating to driver education, is amended by adding a new section thereto to read:

“**Section 299-4 Driver education fee.** The board of education may assess a fee for each student enrolling in the driver education program. All such fees collected shall be deposited into the state treasury to the credit of the general fund.”

SECTION 7. Section 304-61, Hawaii Revised Statutes, as amended, is further amended by adding thereto a new paragraph to read as follows:

“Any other law to the contrary notwithstanding, Leahi Hospital shall place its revenues and all other moneys collected or acquired or made available for the use of said hospital into a special fund to be used for the payment of its lawful expenditures.”

SECTION 8. Federal grants-in-aid requirements. In the event any provision of this Act should conflict with federal grants-in-aid requirements, the terms and provisions required by the United States shall govern in accordance with the provisions of Section 29-15, Hawaii Revised Statutes.

SECTION 9. Appropriations. The following sums, or so much as may be necessary in order to provide for continuing services of the agencies and programs affected by this Act, are hereby appropriated from the general fund to supplement appropriations made under the general appropriations act for the biennium beginning July 1, 1971 and ending June 30, 1973:

**DEPARTMENT OF EDUCATION**

Driver Education \$145,400

**DEPARTMENT OF SOCIAL SERVICES & HOUSING**

Vocational Rehabilitation Division—

Blind Persons' Vending Stands 20,000

Total \$165,400

SECTION 10. Federal funds. Funds received from the federal government deposited or lapsed into the general fund of the State pursuant to this

Act shall be appropriated to such agency and for such purposes for which such funds were furnished; and such funds shall be disbursed in a manner consistent with the intent and purposes for which said funds were furnished by the federal government.

SECTION 11. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 12. Date and manner of effect. This Act shall take effect on June 30, 1971, on which date any balance in any existing special fund under any section of the Hawaii Revised Statutes repealed by this Act shall lapse into the general fund; provided that the comptroller may transfer all or parts of any such balance to such working capital funds, trust funds, or restricted accounts established as he deems necessary.

(Approved May 24, 1971.)

## ACT 94

S. B. NO. 946

A Bill for an Act Relating to Temporary Disability Insurance Benefits.

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

SECTION 1. Section 392-66(b), Hawaii Revised Statutes, is amended to read:

“(b) The weekly benefits payable to the disabled unemployed shall be the same as the benefits to which the individual would be entitled under chapter 383 or 384 except for his disability; provided that in a case of a disabled unemployed who is performing some form of less than full-time work as referred to in section 383-1(16) at the time the disability arises, he shall receive benefits which he would have been entitled to had he not been performing less than full-time work; provided, further, that benefits payable under this section shall not be payable for a period longer than twenty-six weeks from the time the above unemployed commence to receive unemployment benefits payable under chapter 383 or 384.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved May 24, 1971.)

## ACT 95

S. B. NO. 948

A Bill for an Act Relating to Income Taxes.

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

\* Edited accordingly.

## ACT 95

SECTION 1. Section 235-7(a), Hawaii Revised Statutes, is amended to read:

“(a) There shall be excluded from gross income, adjusted gross income, and taxable income:

- (1) Income not subject to taxation by the State under the Constitution and laws of the United States;
- (2) Rights, benefits, and other income exempted from taxation by section 88-91, having to do with the State retirement system, and the rights, benefits, and other income, comparable to the rights, benefits, and other income exempted by section 88-91, under any other public retirement system;
- (3) Any compensation received in the form of a pension for past services, or paid as a weekly benefit for unemployment up to but not in excess of the amount provided by the employment security law (it being the intention of this provision to exempt that amount whether paid from a fund or account in the federal or state treasury or paid by an employer or by a trust or other means provided by an employer);
- (4) Compensation paid to a patient affected with leprosy employed by the State or the United States in any hospital, settlement, or place for the treatment of leprosy;
- (5) Except as otherwise expressly provided, payments made by the United States or this State, under an act of Congress or a law of this State, which by express provision or administrative regulation or interpretation are exempt from both the normal and surtaxes of the United States, even though not so exempted by the Internal Revenue Code itself;
- (6) All proceeds received by organizations enumerated under section 237-23(6) to (9), resulting from the sale of brooms which are manufactured by blind persons working at the adult blind broom shop;
- (7) Any income expressly exempted or excluded from the measure of the tax imposed by this chapter by any other law of the State, it being the intent of this chapter not to repeal or supersede any such express exemption or exclusion;
- (8) The first \$500 received by each member of the reserve components of the army, navy, air force, marine corps, coast guard of the United States of America and the Hawaii national guard as compensation for performance of duty as such;
- ( ) Income derived from the operation of ships or aircraft if such income is exempt under the Internal Revenue Code pursuant to the provisions of an income tax treaty or agreement entered into by and between the United States and a foreign country, provided, that the tax laws of the local governments of that country reciprocally exempt from the application of all of their net income taxes, the income derived from the operation of ships or aircraft which are documented or registered under the laws of the United States.”

SECTION 2. Statutory material to be repealed is bracketed. New ma-

terial is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act, upon its approval, shall apply with respect to taxable years beginning on or after January 1, 1971.

(Approved May 24, 1971.)

## ACT 96

S. B. NO. 1127

A Bill for an Act Relating to Dental Assistants.

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

SECTION 1. Section 448-3, Hawaii Revised Statutes, is hereby amended to read as follows:

**“Section 448-3. Practice by unlicensed employee prohibited; penalty.** Except as provided in section 447-3, no person who manages or conducts as manager, proprietor, conductor, or otherwise a place where dental operations are performed, shall employ any person as operator in dental surgery or as a practitioner, or cause to permit any person to so act, who is not duly licensed to practice dentistry; provided that nothing in this chapter shall prohibit any unlicensed person from performing merely mechanical work upon inert matter in a dental laboratory.

A duly licensed and registered dentist may employ auxiliary personnel, other than registered dental hygienists, to assist him in the practice of dentistry. Such employees shall be known as Dental Assistants and shall perform all duties assigned to them under the general supervision, direction and responsibility of the dentist. Duties of the Dental Assistant and regulatory directives shall be delineated under rules and regulations which the Board of Dental Examiners may from time to time adopt.

Any person violating this section shall be fined not more than \$100 for the first offense, and for the second offense, in addition to the fine, shall forfeit his license to practice dentistry.”

SECTION 2. Material to be added is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

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

(Approved May 24, 1971.)

## ACT 97

S. B. NO. 1232

A Bill for an Act Relating to Tax Exemptions.

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

SECTION 1. Section 235-1, Hawaii Revised Statutes, as amended, is

\* Edited accordingly.

ACT 98

further amended by amending the definition "Deaf" and to read as follows:

"Deaf" means a person whose average loss in the speech frequencies (500-2000 Hertz) in the better ear is 82 decibels, A.S.A., or worse. The impairment of deafness shall be certified to by the department of health or by any State, county, or city and county medical officer duly authorized by the department of health for this purpose, on the basis of a written report on an examination performed by a qualified otolaryngologist duly authorized by the department of health."

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

(Approved May 24, 1971.)

ACT 98

S. B. NO. 1246

A Bill for an Act Relating to Motor Carrier Law Exemptions.

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

SECTION 1. Section 271-5(7), Hawaii Revised Statutes, is amended to read as follows:

"(7) Persons operating motor vehicles in the transportation of mail, newspapers, periodicals, magazines, messages, documents, letters or blueprints."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed materials, or the underscoring.\*

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

(Approved May 24, 1971.)

ACT 99

H. B. NO. 370

A Bill for an Act Relating to Disaster Relief.

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

SECTION 1. Section 127-4, Hawaii Revised Statutes, is amended to read:

"**Sec. 127-4. Additional disaster relief powers of the director.** In performing his duties under this chapter, the director of disaster relief may:

- (1) Make, amend, and rescind, with the approval of the governor, all orders, rules, and regulations necessary to carry out this chapter. Chapter 91 shall not apply to such orders, rules or regulations.
- (2) Prepare comprehensive plans and programs for disaster relief, these plans and programs to be integrated and coordinated with the plans

\* Edited accordingly.



of the federal government to the fullest possible extent, and coordinate the preparation of plans and programs for disaster relief by the political subdivisions of the State, the plans to be integrated into and coordinated with the disaster relief plan and program of the State to the fullest possible extent.

- (3) In accordance with the plans and programs for disaster relief, procure supplies and equipment, institute public information and training programs, and take all other preparatory steps including the partial or full mobilization of disaster relief organizations in advance of actual disaster to insure the furnishing of adequately trained and equipped disaster relief units in time of need.
- (4) Make such studies and surveys of the industries, resources, and facilities in this State as may be necessary to ascertain the capabilities of the State for disaster relief, and plan for the most efficient emergency use thereof.
- (5) Coordinate mutual aid plans between political subdivisions.
- (6) Delegate any administrative authority vested in him under this chapter, and provide for the sub-delegation of any authority."

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

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

(Approved May 24, 1971.)

## ACT 100

H. B. NO. 389

A Bill for an Act Relating to Lease of Public Lands to Eleemosynary Organizations.

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

SECTION 1. Section 171-43.1, Hawaii Revised Statutes is amended to read:

**"Section 171-43.1. Lease to eleemosynary organizations.** The board may lease, by direct negotiation and without recourse to public auction, public lands to be used for charitable, religious or educational purposes to an eleemosynary organization which has been certified by the director of taxation to be tax exempt under section 235-9(a) (2)."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material and the underscoring.\*

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

(Approved May 24, 1971.)

\* Edited accordingly.

A Bill for an Act Relating to Payments to Special Compensation Fund in Absence of Dependents under Workmen's Compensation Law.

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

SECTION 1. Section 386-41(d), Hawaii Revised Statutes, is hereby amended to read:

**"§386-41(d) Liability to special compensation fund in the absence of dependents.** If there be no dependents who are entitled to benefits under this section the employer shall pay the sum of 25% of the maximum benefits chargeable to the employer as set forth in section 386-31(c) for any one death into the special compensation fund, pursuant to an order made by the director. The employer, pursuant to an order made by the director, shall pay any remaining balance into the special compensation fund, if the weekly benefits to which dependents are entitled terminate without totalling the sum of 25% of the maximum benefits chargeable to the employer as set forth in section 386-31(c)."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved May 24, 1971.)

A Bill for an Act Providing that Persons Engaged in the Transplantation or Transfusion of Human Tissues and Related Purposes shall not be Liable for Damages except for their own Negligence or Willful Misconduct.

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

SECTION 1. Chapter 327, Hawaii Revised Statutes, is amended by adding a new section to read as follows:

**"Sec. 327- Exemption from Strict Liability.** No physician, surgeon, hospital, blood bank, tissue bank, or other person or entity who donates, obtains, prepares, transplants, injects, transfuses, or otherwise transfers, or who assists or participates in obtaining, preparing, transplanting, injecting, transfusing, or otherwise transferring any tissue, organ, blood or component thereof, from one or more persons, living or dead, to another person, shall be liable as a result of any such activity, save and except that each such person or entity shall remain liable for his or its own negligence or willful misconduct."

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

(Approved May 24, 1971.)

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\* Edited accordingly.

## ACT 103

H. B. NO. 1329

A Bill for an Act Relating to the Regulation of Dealers in Agricultural Farm Products.

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

SECTION 1. Chapter 145, Hawaii Revised Statutes, is hereby amended by adding thereto a new section to read as follows:

**"145- Rules and Regulations.** The Department shall have the necessary powers to make rules and regulations as may be necessary to carry out the intent and purpose of this chapter, including but not limited to the following:

- (1) Definition of terms;
- (2) Establishing licensing requirements, licensing fees, bonding requirements and bonding procedures;
- (3) Establishing criteria and limitations on claims for credit due to loss or dumping of farm products;
- (4) Providing for the Department on its own motion or upon the verified complaint of any interested party, to conduct investigations, audit records and conduct hearings;
- (5) Providing for the denial, revocation or suspension of licenses."

SECTION 2. This act shall take effect on July 1, 1971.

(Approved May 24, 1971.)

## ACT 104

H. B. NO. 1355

A Bill for an Act Relating to Pawnbrokers Charges and Interest.

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

SECTION 1. Section 445-133(1) of the Hawaii Revised Statutes is hereby amended to read:

"(1) That the licensee will not charge or receive interest at more than the rate of four per cent a month for any loan under \$20, nor at more than the rate of two per cent a month for any loan above \$20 and under \$100, nor at more than the rate of one per cent a month for any loan above \$100, nor exact any other gain, profit, or reward by charging commissions, discount, storage, or other charge, or by compounding interest or by any device increasing such interest, except a licensee may charge the following:

- (A) A charge not exceeding one dollar (\$1) may be made on any loan for not more than 30 days which does not exceed fourteen dollars and ninety-nine cents (\$14.99).
- (B) A charge not exceeding three dollars (\$3) may be made on any loan for not more than 90 days of fifteen dollars (\$15) or more, but not exceeding twenty-four dollars and ninety-nine cents (\$24.99).

- (C) A charge not exceeding five dollars (\$5) may be made on any loan for not more than 90 days of twenty-five dollars (\$25) or more, but not exceeding forty-nine dollars and ninety-nine cents (\$49.99).
- (D) A charge not exceeding seven dollars and fifty cents (\$7.50) may be made on any loan for not more than 90 days on any loan of fifty dollars (\$50) or more, but not exceeding seventy-four dollars and ninety-nine cents (\$74.99).
- (E) A charge not exceeding ten dollars (\$10) may be made on any loan for not more than 90 days of seventy-five dollars (\$75) or more, but not exceeding one hundred forty-nine dollars and ninety-nine cents (\$149.99)."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved May 24, 1971.)

ACT 105

S. B. NO. 846

A Bill for an Act Relating to Pollution Control Costs on Construction Projects.

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

SECTION 1. Chapter 103, Hawaii Revised Statutes, is amended by adding thereto a new part to be appropriately numbered and to read as follows:

**"PART . POLLUTION CONTROL**

**Section 103- . All public contracts awarded pursuant to Chapter 103, Hawaii Revised Statutes, shall make provisions for pollution control, if any, which will be encountered in the execution of the contract.** The cost for any pollution control activity that is not specified in the construction contract or otherwise provided for but is deemed necessary by the awarding agency after the contract has been awarded shall be paid for on a force account basis, and the installation of required controls shall be under the direction of the contracting officer. Force account shall mean the sum of the cost of all labor including labor taxes and insurance, materials and equipment rental. To the sum of the latter shall be added a fixed percentage as determined by the contracting agency for overhead and profit, and there shall also be added the applicable gross income tax."

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

(Approved May 25, 1971.)

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\* Edited accordingly.

A Bill for an Act Relating to the Establishment of a State Information and Youth Affairs Office.

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

SECTION 1. Purpose. The purpose of this Act is to provide a centralized, statewide information service, through which the public's information needs can be most effectively served and by which state agencies can coordinate and maintain communication with the community, and to provide a statewide youth affairs office which would serve as a major communication link between youth, the community, and government.

SECTION 2. Means. (a) The Hawaii Revised Statutes is amended to provide for the establishment of a centralized state information service in the office of the governor, consisting of a central office at the capital and satellite offices located in each county, and including as a special section in the office of the governor a youth affairs office, with representatives from each county.

(b) The functions of the state information service shall include the following:

- (1) Communication to the public of information concerning the functions of government, the services it renders through its departments and agencies, and the status of various important programs and projects which affect the quality of life of the community.
- (2) Making direct response to queries, whether by telephone, correspondence, or meetings, from persons desiring information or assistance and assisting in channeling requests, queries, and recommendations from the public to appropriate public offices and referring non-governmental related matters to appropriate private offices, and providing methods to encourage timely and adequate response to such queries.
- (3) Assessing the effectiveness of existing informational services administered by various administration offices and seeking the improvement of these services by providing feedback, coordinating information programs and recommending innovative communication techniques.
- (4) Seeking and implementing more effective means of publicizing public notices and other announcements which should receive timely and wide dissemination.
- (5) Identification of specific community informational needs and provision of special information services to meet such needs.
- (6) Devising information and exchange programs for elective and appointive government officers to help increase their awareness and understanding of the community and its needs.
- (7) Close support of the work of the youth affairs office.

(c) The functions of the youth affairs office shall include the following:

- (1) Provision of information concerning the functions of government,

- the services it renders to young adults, and assisting in the implementation of programs which particularly affect young adults.
- (2) Identification and usage of existing channels of communications with young adults, and formulation of new and more effective channels of communications between youth, government, and the community.
  - (3) Receiving, evaluating, and recommending to the appropriate state agency significant recommendations from young adults of the community particularly on those matters which would improve the quality of life of young adults.
  - (4) Establishment of intern programs within the state government to acquaint young adults, particularly students, with the functions, responsibilities, and complexities of government.
  - (5) Based upon research and experience, further development of the concept and objectives of the youth affairs office and proposing changes in its functions and organization as appropriate.

SECTION 3. Appropriation. There is appropriated out of the general revenues of the State the sum of \$112,000 or so much thereof as may be necessary, for the fiscal biennium 1971-1973, for the purpose of this Act.

SECTION 4. Any law or Act to the contrary notwithstanding, the governor may transfer personnel and appropriations made for the fiscal biennium 1971-1973 to any state department or agency, to the office of the governor to carry out the purposes of this Act.

SECTION 5. This Act shall take effect upon July 1, 1971.

(Approved May 25, 1971.)

ACT 107

S. B. NO. 1216

A Bill for an Act Relating to the Commission on Children and Youth.

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

SECTION 1. Section 581-1, Hawaii Revised Statutes, is amended to read:

**“Sec. 581-1 Commission; appointment, tenure.** Within the office of the governor, there shall be the state commission on children and youth which shall consist of not less than twenty-one nor more than thirty-one members, all to be appointed by the governor in the manner prescribed by section 26-34. At least one-third of the members shall be less than twenty-five years of age. The membership shall include at least two residents of each of the counties of Hawaii, Maui and Kauai and the city and county of Honolulu. The members shall serve without compensation, but shall be paid their necessary expenses in attending meetings of the commission. The members shall be selected because of their broad interest and concern for children and youth. The members shall, each year, select one of their number as chairman. There shall be no less than six meetings of the commission each year, one of which shall be held in July, at which time the chairman shall be selected.”

SECTION 2. Section 581-2, Hawaii Revised Statutes, is amended to read:

**“Sec. 581-2 Duties of the commission; reports.**

(a) The commission on children and youth shall form two subcommittees to serve:

- (1) Children from conception through age twelve to be known as the coordinated child care committee; and
- (2) Youths from ages thirteen through twenty-four, to be known as the action committee for young adults.

(b) The commission shall:

- (1) Study the facts concerning the needs of children and youth in the State through action research studies, such research to be carried on whenever possible through the departments or agencies of the state and county governments responsible for providing services to children and youth. When such research cannot be done within such established agencies, it shall be carried out by public or private organizations capable of conducting action research.
- (2) Review legislation pertaining to children and youth and appropriations made for services in their behalf in such fields as health, child development, social service, education, recreation, child labor, family courts, probation and parole service, and detention and correctional facilities, and consider and present revisions and additions needed and report to the governor and to the legislature regarding such legislation.
- (3) Appraise the availability, adequacy, and accessibility of all services for children and youth within the State.
- (4) Ascertain the facts concerning the operations and the operating policies, affecting children and youth, of all state and county departments and agencies responsible for providing services for children and youth, including, without limitation to the generality of the foregoing, the department of health, the department of social services and housing, the department of education, the department of labor and industrial relations, the police departments, the family and other courts and the probation departments and detention facilities thereof, and, report such facts and the commission's recommendations to the governor and to the legislature. The executive heads of all such departments and agencies shall make available to the commission such information as the commission deems necessary for the effective discharge of its duties under this chapter.
- (5) Maintain contacts with local, state and federal officials and agencies concerned with planning for children and youth.
- (6) Encourage and foster local community action in behalf of children and youth through the local county committees.
- (7) Develop and promote plans and programs for the prevention and control of juvenile delinquency.
- (8) Cooperate with the national commission on children and youth and arrange for the participation by representatives of the State in the

decennial White House conference on children and youth.”

SECTION 3. Section 581-3, Hawaii Revised Statutes, is amended to read:

**“Sec. 581-3 County committees; appointment; duties.** The mayors of the city and county of Honolulu and each of the other counties shall each appoint a committee of not less than fifteen persons charged with the duty and responsibility of developing plans and proposals for meeting the needs of children and youth in the several counties. The committees shall endeavor to secure the widest possible citizen and youth participation in their efforts, and, for this purpose, may utilize the facilities of existing agencies. Each county committee shall include two members of the state commission on children and youth, residing within the county, who shall act in a liaison capacity between the state commission and the committee. The other members shall be selected upon the basis of their interest in the needs of children and youth, their effectiveness in promoting child welfare within the county, and their knowledge of local conditions. The chairman shall be elected annually by the members of the committee. One third of the members of the county committees shall be appointed for four years, one third for three years, and one third for two years, and thereafter their successors shall be appointed for terms of four years. The members of the county committees shall receive no compensation for their services. The respective county councils are authorized to make appropriations to meet the necessary expenses of such committees.”

SECTION 4. Section 26-8, Hawaii Revised Statutes, is amended to read:

**“Sec. 26-8 Department of budget and finance.** The department of budget and finance shall be headed by a single executive to be known as the director of finance.

The department shall undertake the preparation and execution of the executive budget of the state government; conduct a systematic and continuous review of the finances, organization, and methods of each department of the State to assist each department in achieving the most effective expenditure of all public funds and to determine that such expenditures are in accordance with the budget laws and controls in force; have custody of state funds and be responsible for the safekeeping, management, investment, and disbursement thereof; and administer state debts.

The functions and authority heretofore exercised by the bureau of the budget (except for insurance management, surplus property management, and central purchasing transferred to the department of accounting and general services) and the funds custody, cash management, debt management, and administering of veterans loan functions of the treasurer as heretofore constituted are transferred to the department of budget and finance established by this chapter.

The employees retirement system as constituted by chapter 88 is placed within the department of budget and finance for administrative purposes. The functions, duties, and powers, subject to the administrative control of the director of finance, and the composition of the board of trustees of the em-



ployees retirement system shall be as heretofore provided by law.”

SECTION 5. There shall be three additional positions within the commission on children and youth subject to the availability of federal funds: one program coordinator to serve the action committee for young adults, and one program coordinator and one secretary to serve the coordinated child care committee; provided that maximum use of federal funds be first made for these positions.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$124,000, or so much thereof as may be necessary, of which \$24,000 shall be used for additional staffing for the fiscal biennium 1971-73 (\$12,000 for fiscal year 1971-72 and \$12,000 for fiscal year 1972-73) to supplement federal funds, and \$100,000 shall be used as seed money to mount exemplary demonstration programs to better meet the needs of children and youth.

SECTION 7. The sum appropriated shall be expended by the office of the governor for the purposes of this Act.

SECTION 8. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 9. This Act shall take effect upon its approval.

(Approved May 25, 1971.)

ACT 108

S. B. NO. 33

A Bill for an Act Relating to an Organized Crime Unit in the Department of the Attorney General.

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

SECTION 1. Chapter 28, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

“**Sec. 28- Organized crime unit.** There is established in the department of the attorney general an organized crime unit.

The organized crime unit shall consist of attorneys, and other specialized personnel necessary to implement this section. They shall be appointed by the attorney general who shall fix their compensation. Every attorney and specialist shall be entitled to hold his position during good behavior, subject to removal by the attorney general only as provided in chapter 76.

The organized crime unit shall:

- (1) Receive, gather, and analyze information;
- (2) Develop tactical and strategic intelligence;
- (3) Assist in control of organized criminal activity;

\* Edited accordingly.

- (4) Provide technical assistance and training to county law enforcement agencies in the detection and prosecution of organized crime; and
- (5) Provide with the attorney general's approval specialized personnel and technological equipment for the use of law enforcement agencies in the State with respect to organized crime.

For purposes of this section, 'organized crime' means the unlawful activities of the members of an organized association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations."

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$50,000 or so much thereof as may be necessary, to be expended by the attorney general for the purposes of this Act.

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

(Approved May 25, 1971.)

ACT 109

S. B. NO. 270

A Bill for an Act Relating to Temporary Disability Insurance.

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

SECTION 1. Chapter 392, Hawaii Revised Statutes, is amended in the following particulars:

(a) SECTION 392-22, Hawaii Revised Statutes, is amended to read:

**"Section 392-22. Weekly benefit amount.** Benefits shall be computed as weekly amounts in the manner provided in this section:

(1) If the average weekly wage of the employee is less than \$26, the weekly benefit amount shall be equal to the average weekly wage but not more than \$14.

If the average weekly wage of the employee is \$26 or more the weekly benefit amount shall be fifty-five per cent of the average weekly wage rounded off if not a multiple of \$1, to the next higher multiple of \$1.

(2) If the average weekly earnings of the employee exceed an amount equal to one fifty-second of the product obtained by multiplying the amount of the average annual wage in Hawaii, as determined pursuant to section 383-22(b) by the factor 1.21, such excess shall not be included in the computation of the weekly benefit amount.

(3) Notwithstanding any provision in paragraphs (1) and (2) to the contrary, the weekly benefit amount shall not exceed the maximum weekly benefit specified in section 386-31."

(b) SECTION 392-26, Hawaii Revised Statutes, is amended to read:  
**"392-26. Care by physician or equivalent required.**

(a) An individual shall be ineligible to receive temporary disability benefits with respect to any period during which he is not under the care of a

person duly licensed to practice medicine, surgery, or dentistry, who shall certify, in the form and manner specified by regulation of the director, the disability of the claimant, the probable duration thereof, and such other medical facts within his knowledge as required by regulation.

(b) This section shall not apply to an individual who, pursuant to the teachings, faith, or belief of any group, depends for healing upon prayer or other spiritual means. In that case the disability, the probable duration thereof, and any other pertinent facts required to be certified by regulation of the director shall be certified in the form and manner specified by the regulation, by a duly authorized or accredited practitioner of such group.

(c) The proof of disability duly certified by a person licensed to practice medicine, surgery or dentistry, or an authorized or accredited practitioner of any group which depends for healing upon prayer or other spiritual means shall be submitted by such certifying person to the disabled employee within seven days after the date on which the employee was examined and found disabled.”

(c) SECTION 392-27, Hawaii Revised Statutes, is amended to read:

**“Section 392-27. Ineligibility in certain cases.** An individual shall not be eligible to receive temporary disability benefits:

- (1) For any period of disability during which he would be disqualified from receiving benefits under the Hawaii Employment Security Law by reason of unemployment due to a stoppage of work existing because of a labor dispute for the duration of such disqualification.
- (2) If the director finds that the individual has knowingly made a false statement or representation of a fact or knowingly failed to disclose a material fact in order to obtain benefits under this chapter to which he is not otherwise entitled. The ineligibility shall be for a period determined by the director, but shall not exceed the period of disability with respect to which the false statement or representation was made or the nondisclosure occurred.
- (3) For any period of disability due to wilfully and intentionally self-inflicted injury or to injury sustained in the commission of a criminal offense specified in title 38.
- (4) For any day of disability during which the employee performed work for remuneration or profit, except that, if an employee returning to work suffers a relapse after performing work for less than a full day, he shall be paid benefits or be given waiting period credit, provided his wages for the partial day’s work did not equal or exceed the prorated disability benefits to which he is entitled. The amount of the benefit payable is derived by subtracting the gross wages received for performing less than a full day’s work, from the prorated disability benefits to which he is entitled.”

(d) SECTION 392-41, Hawaii Revised Statutes, is amended to read:  
**“Section 392-41. Provision for payment of benefits.**

(a) An employer or an association of employers shall secure temporary disability benefits to their employees in one or more of the following ways:

- (1) By insuring and keeping insured the payment of temporary disability benefits with any stock, mutual, reciprocal or other insurer

authorized to transact the business of disability insurance in the State; or

- (2) By depositing and maintaining with the State director of finance, securities, or the bond of a surety company authorized to transact business in the State, as are satisfactory to the director securing the payment by the employer of temporary disability benefits according to the terms of this chapter; or
- (3) Upon furnishing satisfactory proof to the director of his or its solvency and financial ability to pay the temporary disability benefits herein provided, no insurance or security or surety bond shall be required, and the employer shall make payments directly to his employees, as they may become entitled to receive the same under the terms and conditions of this chapter; or
- (4) By a plan, entitling employees to cash benefits or wages during a period of disability, in existence on the effective date of this chapter.
  - (A) If the employees of an employer or any class or classes of such employees are entitled to receive disability benefits under a plan or agreement which remains in effect on January 1, 1970, the employer, subject to the requirements of this section, shall be relieved of responsibility for making provision for benefit payments required under this chapter until the earliest date, determined by the director for the purposes of this chapter, upon which the employer has the right to discontinue the plan or agreement or to discontinue his contributions toward the cost of the temporary disability benefits. Any such plan or agreement may be extended, with or without modification, by agreement or collective bargaining between an employer or employers or an association of employers and an association of employees, in which event the period for which the employer is relieved of such responsibility shall include the period of extension.
  - (B) Any other plan or agreement in existence on January 1, 1970, which the employer may, by his sole act, terminate at any time, or with respect to which he is not obligated to continue for any period to make contributions, may be accepted by the director as satisfying the obligation to provide for the payment of benefits under this chapter if the plan or agreement provides benefits at least as favorable as the disability benefits required by this chapter and does not require contributions of any employee or of any class or classes of employees in excess of the amount authorized in section 392-43, except by agreement and provided the contribution is reasonably related to the value of the benefits as determined by the director. The director may require the employer to enter into an agreement in writing with the director that until the employer shall have filed written notice with the director of his election to terminate such plan or agreement or

to discontinue making necessary contributions toward the cost of providing benefits under the plan or agreement, he will continue to provide for the payment of the disability benefits under the plan or agreement. Any plan or agreement referred to in this paragraph may be extended, with or without modification; provided the benefits under the plan or agreement, as extended or modified, are found by the director to be at least as favorable as the disability benefits required by this chapter; or

- (5) By a new plan or agreement. On or after January 1, 1970 a new plan or agreement with an insurer may be accepted by the director as satisfying the obligation to provide for the payment of benefits under this chapter if the plan or agreement provides benefits at least as favorable as the disability benefits required by this chapter and does not require contributions of any employee or of any class or classes of employees in excess of the amount authorized in section 392-43, except by agreement and provided the contribution is reasonably related to the value of the benefits as determined by the director. Any such plan or agreement shall continue until written notice is filed with the director of intention to terminate the plan or agreement, and any modification of the plan or agreement shall be subject to the written approval of the director.

(b) During any period in which any plan or agreement or extension or modification thereof authorized under subsection (a) (4) or (5) provides for payments of benefits under this chapter, the responsibility of the employer and the obligations and benefits of the employees shall be as provided in the plan or agreement or its extension or modification rather than as required under this chapter; provided the employer or insurer has agreed in writing with the director to pay the assessments imposed by section 392-67.

(c) If any plan or agreement authorized under subsection (a) (4) or (5) covers less than all of the employees of a covered employer, the requirements of this chapter shall apply with respect to his remaining employees not covered under the plan or agreement.

(d) As used in subsection (a) (4) or (5), 'benefits at least as favorable as the disability benefits required by this chapter' means the temporary disability benefits under any plan or agreement whose component parts (waiting period for illness, waiting period for accident, duration of benefits, and percentage of wage loss replaced) add in total to cash benefits or wages which are determined by the director to be at least as favorable as the disability benefits required by this chapter. The insurance commissioner shall establish a set of tables showing the relative value of different types of cash benefits and wages to assist the director in determining whether the cash benefits and wages under a plan are at least as favorable as the temporary disability benefits required by this chapter.

(e) Any decision of the director rendered pursuant to this section with respect to the amount of security required, refusing to permit security to be given or refusing to accept a plan or agreement as satisfying the obligation to provide for the payment of benefits under this chapter shall be subject to review on appeal in conformity with the provisions of this chapter.

(f) In order to provide the coverage required by this chapter for employers otherwise unable to obtain or provide such coverage, the insurance commissioner may, after consultation with the insurers licensed to transact the business of disability insurance in this State, approve a reasonable plan or plans for the equitable apportionment among such insurers of employer applicants for such insurance who are in good faith entitled to but are unable to procure such insurance through ordinary methods and, when such a plan has been approved, all such insurers shall subscribe thereto and participate therein; provided, however, that the commissioner shall not, for insurance issued or in connection with any such plan or plans, require or allow the use of premium rates which are either inadequate or excessive in relation to the benefits to be provided. Any employer applying for such insurance or any insured under such plan and any insurer affected may appeal to the commissioner from any ruling or decision of the manager or committee designated to operate such plan. All orders of the commissioner in connection with any such plan shall be subject to judicial review as provided in chapter 91.

(g) All insurers shall in form prescribed by the director notify employer applicants who are unable to procure the required insurance through ordinary methods, the availability of the plan described in (f) above."

(e) SECTION 392-42, Hawaii Revised Statutes, is amended to read:  
**"Section 392-42. Notice of insurance.** If payment of disability benefits is provided for in whole or in part by insurance pursuant to section 392-41, (a) (1), (4), or (5), the employer or insurer shall forthwith file with the director in form prescribed by the director a notice of his insurance together with a statement of benefits provided by the policy. If an employer or insurer fails to file the notice of insurance within 30 days after purchase of insurance, the director may levy a penalty of not more than \$10 for each delinquent notice, unless good cause for failure to file can be shown by the employer or insurer."

(f) SECTION 392-43, Hawaii Revised Statutes, is amended to read:  
**"Section 392-43. Authority to withhold contributions, rate of contribution, maximum weekly wage base.** (a) Subject to the limitation set forth in subsection (b) an employer may deduct and withhold contributions, from each employee of one-half the cost but not more than .5 per cent of the weekly wages earned by the employee in employment and the employer shall provide for the balance of the cost of providing temporary disability benefits under this chapter over the amount of contributions of his employees. Unless a different rule is prescribed by regulation of the director, the withholding period shall be equal to the pay period of the respective employee.

(b) Weekly wages for the purposes of this section shall not include (1) wages earned by an employee in employment during any payroll period unless, during the four completed calendar quarters immediately preceding such payroll period, he has earned wages of at least \$400 and has been in employment for at least fourteen weeks during each of which he has received remuneration in any form for twenty or more hours; and (2) remuneration in excess of one fifty-second of the average annual wage in the State as determined for the preceding year pursuant to section 383-61(b) multiplied by the factor 1.21, which amount the director shall cause to be published annually prior to the first day of January following the determination.

(c) The contributions of the employees deducted and withheld from their wages by their employer shall be held in a separate fund or be paid to insurance carriers as premiums, for the purpose of providing benefits required by this chapter.

(d) The director shall have authority to prescribe by regulation the reports and information necessary to determine the cost of providing temporary disability benefits under this chapter, especially in the case of employers or employer associations providing such benefits by means of self-insurance, and to determine the procedures for the determination of such cost.

(e) An employee from whose wages amounts greater than those authorized by this chapter have been withheld by his employer shall be entitled to a refund or credit of the excess as prescribed by regulation of the director.

(f) The contributions of employees deducted and withheld in amounts greater than those authorized by this chapter, shall be deposited in the special fund for disability benefits if such employees are no longer with the employer and cannot be located. A refund of the excess shall be paid from the special fund for disability benefits to the employees when they are located or if such employees remain unlocated for a period of two years from the date of deposit, such monies shall become a part of the special fund.

(g) If an employer fails to provide coverage for his employees after deducting and withholding contributions from his employees as prescribed by this chapter, he shall deposit such contributions in the special disability fund."

(g) SECTION 392-44, Hawaii Revised Statutes, is amended to read:

**"Section 392-44. Payment of disability benefits.** Benefits provided under this chapter shall be paid periodically and promptly and, except as to a contested period of disability, without any decision by the director. The first payment of benefits shall be paid within ten days, exclusive of Saturdays, Sundays and holidays, after the filing of required proof of claim. Thereafter, benefits shall be due and payable every two weeks. The director may determine that benefits may be paid monthly or semi-monthly if wages were so paid, and may authorize deviation from the foregoing requirements to facilitate prompt payment of benefits. If an employer or insurer fails to make the first payment of benefits within ten days, exclusive of Saturdays, Sundays and holidays, after the filing of required proof of claim, the director shall, unless good cause can be shown, require the employer or insurer to pay such benefits plus an additional ten per cent of the benefits due and payable to the employee."

(h) SECTION 392-45, Hawaii Revised Statutes, is amended to read:

**"Section 392-45. Subrogation rights if employee entitled to workmen's compensation benefits or indemnity under employers' liability acts.** (a) If an individual has received temporary disability benefits under this chapter during a period of disability for which benefits for any disability under the Workmen's Compensation Law of this State or of any other state or of the United States are subsequently awarded or accepted in any agreement or compromise, the employer, the association of employers, the insurer, or the special fund for disability benefits, as the case may be, providing such temporary disability benefits shall be subrogated to the individual's right to such benefits in the amount of the benefits paid under this chapter.

In the event more than one employer or insurer have subrogation rights

to the employee's workmen's compensation benefits, such benefits shall be divided proportionately among the employers or insurers according to the amount of benefits each employer or insurer paid under this chapter. Should the subrogated amount of either one or both employers or insurers total less than the amount of benefits that such employers or insurers paid under this chapter, neither the employee nor the special fund for disability benefits nor any other source shall be required to make up the difference.

To protect its subrogation rights to benefits payable under the Workmen's Compensation Law of this State, the employer, the association of employers, the insurer, or the special fund for disability benefits, providing temporary disability benefits shall file a claim with the division of workmen's compensation in the department and notify the insurer for workmen's compensation or the employer, if self-insured, of its claim and thereupon the employer, the association of employers, the insurer, or the special fund for disability benefits, providing temporary disability benefits shall have a lien against the amounts payable as benefits for disability under the Workmen's Compensation Law in the amount of the benefits paid under this chapter during the period for which benefits for disability under the Workmen's Compensation Law have been accepted or awarded as payable. The agreement or award shall include a provision setting forth the existence and amount of such lien.

(b) If an individual has received benefits under this chapter during a period of disability for which he is entitled to receive indemnity payments for wage loss under any applicable employers' liability law of this State or of any other state or of the United States, the employer, the association of employers, the insurer, or the special fund for disability benefits, providing temporary disability benefits shall be subrogated to the individual's right to such indemnity in the amount of the benefits paid under this chapter and may assert its subrogation rights in any manner appropriate under such acts or any rule of law."

(i) SECTION 392-47, Hawaii Revised Statutes, is amended to read:  
**"Section 392-47. Failure to give security for payment of benefits; penalty; injunction.** If an employer fails to comply with section 392-41 he shall be subject to a penalty of not less than \$25 or \$1 for each employee for every day during which such failure continues, whichever sum is greater, to be recovered in an action brought in the discretion of the director and the amount so collected shall be paid into the special fund for disability benefits created by section 392-61. The director may, however, in his discretion, for good cause shown, remit all or any part of the penalty in excess of \$25, provided the employer in default forthwith complies with section 392-41.

Furthermore, if any employer is in default under section 392-41, for a period of thirty days, he may be enjoined by the circuit court of the circuit in which his principal place of business is located from carrying on his business any place in the State so long as the default continues, such action for injunction to be prosecuted by the attorney general or any county attorney if so requested by the director."

(j) SECTION 392-65, Hawaii Revised Statutes, is amended to read:  
**"Section 392-65. Temporary disability benefits to be paid from the special fund for disability benefits; recovery of disability benefits.** Temporary dis-



ability benefits shall be paid from the special fund for disability benefits to individuals who become disabled when unemployed and who subsequently become ineligible for benefits under chapter 383 or 384. Benefits shall also be paid from this fund to an employee who is entitled to receive temporary disability benefits but cannot receive such benefits because of the bankruptcy of his employer or because his employer is not in compliance with this chapter. Benefits paid from the special fund to such employee may be recovered from his bankrupt or non-complying employer. The director shall institute administrative and legal actions as provided in section 392-47 to effect recovery of such benefits.”

(k) CHAPTER 392, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

**“Section 392- . Failure to pay assessments.** If an employer or insurer fails to pay the assessment required by section 392-67(a) or section 392-67(b) within 30 days after the end of the month or quarter for which payment was due, the director shall levy a penalty of at least \$10 but no more than 10% of the assessment due against such employer or insurer, unless the nonpayment is excused by the director after a showing by such employer or insurer that the payment of the assessment could not be made on the date prescribed therefor owing to conditions over which he had no control and such employer or insurer forthwith complies.”

(l) CHAPTER 392, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

**“Section 392- . Request for wage and employment information.** An employer to whom the department has sent a request for wage and employment information for an employee claiming benefits against the special fund for disability benefits, shall complete and file such information within seven days from date the request was sent. If an employer fails to file such information in seven days, the director shall levy a penalty of not more than \$10 for each delinquent request, unless the failure to file such information is excused by the director after a showing by such employer that such filing could not be made on the prescribed date therefor owing to conditions over which he had no control.”

(m) CHAPTER 392, Hawaii Revised Statutes, is amended by adding a new part to read:

## **“PART VII. MISCELLANEOUS PROVISIONS**

**Section 392- . Limitation of fees.** Any individual claiming benefits in any proceeding before the department or the referee may be represented by counsel or other duly authorized agent; but no such counsel or agent shall either charge or receive for such services more than an amount approved by the department or referee, and such amount shall in no case exceed ten per cent of the total amount of benefits received as a result of such proceeding. Any person who violates this section shall, for each such offense, be fined not less than \$50 nor more than \$500 or imprisoned not more than six months, or both.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not

## ACT 110

include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval, except section 1(a), which shall take effect on January 1, 1972.

(Approved May 25, 1971.)

## ACT 110

S. B. NO. 276

A Bill for an Act Establishing a Vehicle Safety Equipment Approval Program and Providing an Appropriation Therefor.

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

SECTION 1. The Vehicle Equipment Safety Compact is enacted into law and entered into with all other jurisdictions legally joining herein in the form substantially as follows:

### VEHICLE EQUIPMENT SAFETY COMPACT

#### ARTICLE I—FINDINGS AND PURPOSES

- (a) The party states find that:
  - (1) Accidents and death on their streets and highways present a very serious human and economic problem with a major deleterious effect on the public welfare.
  - (2) There is a vital need for the development of greater inter-jurisdictional cooperation to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment, and to accomplish this by such means as will minimize the time between the development of demonstrably and scientifically sound safety features and their incorporation into vehicles.
- (b) The purposes of this compact are to:
  - (1) Promote uniformity in regulation of and standards for equipment.
  - (2) Secure uniformity of law and administrative practice in vehicular regulation and related safety standard to permit incorporation of desirable equipment changes in vehicles in the interest of greater traffic safety.
  - (3) To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in subdivision (a) of this article.
- (c) It is the intent of this compact to emphasize performance requirements and not to determine the specific detail of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements.

#### ARTICLE II—DEFINITIONS

As used in this compact:

- (a) "Vehicle" means every device in, upon or by which any person or

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\* Edited accordingly.

property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "State" means a state, territory or possession of United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) "Equipment" means any part of a vehicle or any accessory for use thereon which affects the safety of operation of such vehicle or the safety of the occupants.

### ARTICLE III—THE COMMISSION

(a) There is hereby created an agency of the party states to be known as the "Vehicle Equipment Safety Commission" hereinafter called the commission. The commission shall be composed of one commissioner from each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the state which he represents. If authorized by the laws of his party state, a commissioner may provide for the discharge of his duties and the performance of his functions on the commission, either for the duration of his membership or for any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the commission in such form as the commission may require. Each commissioner, and each alternate, when serving in the place and stead of a commissioner, shall be entitled to be reimbursed by the commission for expenses actually incurred in attending commission meetings or while engaged in the business of the commission.

(b) The commissioners 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, or their alternates, are present.

(c) The commission shall have a seal.

(d) The commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The commission may appoint an executive director and fix his duties and compensation. Such executive director shall serve at the pleasure of the commission, and together with the treasurer shall be bonded in such amount as the commission shall determine. The executive director also shall serve as secretary. If there be no executive director, the commission shall elect a secretary in addition to the other officers provided by this subdivision.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director with the approval of the commission, or the commission if there be no executive director, shall appoint, remove or discharge such personnel as may be necessary for the performance of the commission's functions, and shall fix the duties and compensation of such personnel.

(f) The commission may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full-time employees. Employees of the commission shall be eligible for social security coverage in respect of old age and survivor's insurance provided that the commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of

insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The commission may borrow, accept or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party states or their subdivisions.

(h) 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 and may receive, utilize and dispose of the same.

(i) 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.

(j) 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. The bylaws shall provide for appropriate notice to the commissioners of all commission meetings and hearings and the business to be transacted at such meetings or hearings. Such notice shall also be given to such agencies or officers of each party state as the laws of such party state may provide.

(k) 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, and embodying such recommendations as may have been issued by the commission. The commission may make such additional reports as it may deem desirable.

#### **ARTICLE IV—RESEARCH AND TESTING**

The commission shall have power to:

(a) Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in equipment and related fields.

(b) Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters when, in its judgment, appropriate or sufficient research or testing has not been undertaken.

(c) Contract for such equipment research and testing as one or more governmental agencies may agree to have contracted for by the commission, provided that such governmental agency or agencies shall make available the funds necessary for such research and testing.

(d) Recommend to the party states changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective governmental action or coordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highway safety problems.

**ARTICLE V—VEHICULAR EQUIPMENT**

(a) In the interest of vehicular and public safety, the commission may study the need for or desirability of the establishment of or changes in performance requirements or restrictions for any item or equipment. As a result of such study, the commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this article. No less than sixty days after the publication of a report containing the results of such study, the commission upon due notice shall hold a hearing or hearings at such place or places as it may determine.

(b) Following the hearing or hearings provided for in subdivision (a) of this article, and with due regard for standards recommended by appropriate professional and technical associations and agencies, the commission may issue rules, regulations or codes embodying performance requirements or restrictions for any item or items of equipment covered in the report, which in the opinion of the commission will be fair and equitable and effectuate the purposes of this compact.

(c) Each party state obligates itself to give due consideration to any and all rules, regulations and codes issued by the commission and hereby declares its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment.

(d) The commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation or code.

(e) If the constitution of a party state requires, or if its statutes provide, the approval of the legislature by appropriate resolution or act may be made a condition precedent to the taking effect in such party state of any rule, regulation or code. In such event, the commissioner of such party state shall submit any commission rule, regulation or code to the legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state.

(f) Except as otherwise specifically provided in or pursuant to subdivisions (e) and (g) of this article, the appropriate motor vehicle agency of a party state shall in accordance with its constitution or procedural laws adopt the rule, regulation or code within six months of the sending of the notice, and upon such adoption, the rule, regulation or code shall have the force and effect of law therein.

(g) The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation or code issued by the commission pursuant to this article if such agency specifically finds, after public hearing on due notice, that a variation from the commission's rule, regulation or code is necessary to the public safety, and incorporates in such finding the reason upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the party state. Upon request, the commission shall be furnished with a copy of the transcript of any hearings held pursuant to this subdivision.

**ARTICLE VI—FINANCE**

(a) The commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof.

(b) Each of the commission's budgets of estimated expenditure shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: one-third in equal shares; and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the commission may employ such source or sources of information as in its judgment present the most equitable and accurate comparisons among the party states. Each of the commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning vehicular registrations.

(c) The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under Article III (h) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under Article III (h) hereof, 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 under its rules. 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 VII—CONFLICT OF INTEREST**

(a) The commission shall adopt rules and regulations with respect to conflict of interest for the commissioners of the party states, and their alternates, if any, and for the staff of the commission and contractors with the commission to the end that no member or employee or contractor shall have a pecuniary or other incompatible interest in the manufacture, sale or distribution of motor vehicles or vehicular equipment or in any facility or enterprise employed by the commission or on its behalf for testing, conduct of investigations or research. In addition to any penalty for violation of such

rules and regulations as may be applicable under the laws of the violator's jurisdiction of residence, employment or business, any violation of a commission rule or regulation adopted pursuant to this article shall require the immediate discharge of any violating employee and the immediate vacating of membership, or relinquishing of status as a member on the commission by any commissioner or alternate. In the case of a contractor, any violation of any such rule or regulation shall make any contract of the violator with the commission subject to cancellation by the commission.

(b) Nothing contained in this article shall be deemed to prevent a contractor for the commission from using any facilities subject to this control in the performance of the contract even though such facilities are not devoted solely to work of or done on behalf of the commission; nor to prevent such a contractor from receiving remuneration or profit from the use of such facilities.

### **ARTICLE VIII—ADVISORY AND TECHNICAL COMMITTEES**

The commission may establish such advisory and technical committees as it may deem necessary, membership on which may include private citizens and public officials, and may cooperate with and use the services of any such committees and the organizations which the members represent in furthering any of its activities.

### **ARTICLE IX—ENTRY INTO FORCE AND WITHDRAWAL**

(a) This compact shall enter into force when enacted into law by any six or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

(b) 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 executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads 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 X—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 remaining party states and in full force and effect as to the state affected as to all severable matters.

**SECTION 2.** The state highway safety coordinator shall be the Hawaii commissioner on the Vehicle Equipment Safety Commission. He shall co-

operate with all departments, agencies, and officers of and in the government of this state and its political subdivisions in carrying out the purposes of this compact and shall, subject to the approval of the comptroller, make or arrange for any payments necessary to discharge any financial obligation imposed upon this state by Article VI of the compact.

SECTION 3. Chapter 286, Hawaii Revised Statutes, is amended by adding to part IV, two new sections to be numbered and read as follows:

**“Sec. 286-83. Sales of motor vehicle equipment, approval required.** (a) On and after January 1, 1972, no person shall display for sale, sell, or offer for sale for use in, upon, or as a part of the equipment of a motor vehicle, trailer, semi-trailer, or pole trailer or use in or upon any such vehicle, any head lamp, auxiliary or fog lamp, rear lamp, signal lamps, or reflector, which reflector is required by law, or any glazing material, hydraulic brake fluid, seat belt, shoulder harness or seat belt and shoulder harness assembly unless the device is of a type which has been submitted to the highway safety coordinator and approved by him. The foregoing provisions of this section shall not apply to equipment in actual use on the effective date of this section or replacement parts therefor.

(b) No person shall display for sale, sell or offer for sale for use in, upon, or as a part of the equipment of a motor vehicle, trailer, semi-trailer, or pole trailer any device mentioned in this section unless the device bears thereon or, where applicable, upon the container in which it is sold, the trademark or name under which it is approved so as to be legible when installed.

**Sec. 286-84. Revocation of approval.** When the highway safety coordinator has reason to believe that a device approved under section 286-83 as being sold commercially does not comply with the requirements of section 286-83, he may, after giving thirty days' previous notice to the person who has received the approval for the device in this state, conduct a hearing upon the question of compliance of the approved device. After the hearing the coordinator shall determine whether the approved device meets the requirements of section 286-83. If the device does not meet the requirements of section 286-83, he shall give notice to the person who has received the approval for the device in this state.

If at the expiration of ninety days after such notice, the person who has received the approval for the device has failed to satisfy the coordinator that the device as thereafter to be sold meets the requirements of section 286-83, the coordinator shall suspend or revoke the approval issued therefor until or unless the device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of section 286-83, and may require that all such devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of section 286-83. The coordinator may at the time of retest purchase in the open market and submit to the testing agency one or more sets of such approval devices, and if such device upon retest fails to meet the requirements of section 286-83, the coordinator may refuse to renew the approval of the device.”

SECTION 4. There shall be appropriated from the highway special fund of the state in the fiscal biennium 1971-1973 the sum of \$40,000, or so much



thereof as may be necessary to be expended by the highway safety coordinator in administering the program established by this Act.

SECTION 5. The governor may create one new permanent position in the office of the highway safety coordinator to implement this Act.

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material, or the underscoring.\*

SECTION 7. This Act shall take effect upon its approval.

(Approved May 25, 1971.)

## ACT 111

S. B. NO. 833

A Bill for an Act Relating to Housing.

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

SECTION 1. Subsection (b) of Section 359G-4, Hawaii Revised Statutes, is amended to read:

“(b) Adopt and promulgate, in accordance with chapter 91:

- (1) All rules and regulations necessary to carry out the purpose of this chapter, including rules and regulations relating to determining preference among applicants for housing and determining qualification for and recompense or profit distribution to any partner or partners as hereinafter defined.
- (2) Upon direction from the governor and for such period as he shall authorize, rules and regulations on health, safety, building, planning, zoning, and land use which relate to the development, subdivision, and construction of dwelling units in projects in which the State, through the authority, shall participate. Upon the promulgation and adoption of such rules and regulations, they shall have the force and effect of law and shall supersede, for all projects in which the State through the authority shall participate, all other inconsistent laws, ordinances, and rules and regulations relating to the use, zoning, planning, and development of land, and the construction of dwelling units thereon; provided, that such rules and regulations shall not contravene any safety standards or tariffs approved by the public utilities commission for public utilities. Such rules and regulations shall follow existing law as closely as is consistent with the production of low cost housing with standards which meet minimum requirements of good design, pleasant amenities, health, safety and coordinated development; provided, that any rules or regulations promulgated hereunder shall, before becoming effective, be presented to the legislative body of each county in which they will be effective and the legislative body of any county may within forty-five days approve or disapprove, for that county, any or all of the rules and

\* Edited accordingly.

regulations by a majority vote of its members. On the forty-sixth day after submission any rules and regulations not disapproved shall be deemed to have been approved by the county.

SECTION 2. Section 359G-4(e), Hawaii Revised Statutes, is amended to read:

“(e) Upon authorization by the legislature, cause the State to issue general obligation bonds to finance:

- (1) Land acquisition;
- (2) The development and improvement of land;
- (3) The construction of dwelling units;
- (4) The purchase, lease or rental of land and dwelling units by qualified residents under this chapter;
- (5) Payment of any services contracted for under this chapter, including profit or recompense paid to partners, and including community information and advocacy services deemed necessary by the authority to provide for citizen participation in the development of housing projects, the implementation of this chapter, and the staffing of any citizen advisory committee the authority may establish;”

SECTION 3. Section 359G-5, Hawaii Revised Statutes, is amended to read:

“**Sec. 359G-5 Eminent domain, exchange or use of public property.** The authority may, through exchange, voluntary negotiation or by eminent domain, acquire any private land in the State for the purpose of this chapter. The authority shall exercise the power of eminent domain in the same manner as provided in chapter 101. The exchange of land shall be in accordance with the provisions of chapter 171, provided that anything contained in section 171-50 to the contrary notwithstanding, when state lands are exchanged for private lands, which private lands are classified for intensive agricultural use, the authority shall determine the agricultural productivity of the private lands and, whenever and wherever possible, exchange so much state lands as shall be sufficient to approximate or equal the productivity of the private lands so acquired by the State. The authority may also develop state lands but not federal lands, state monuments or historical sites or parks and subject to the prior approval of the land use commission in the case of agricultural land and the prior approval of the board of land and natural resources in the case of conservation land. Whenever it proposes to develop public lands it shall file with the department of land and natural resources a petition setting forth such purpose and such petition shall be conclusive proof that the use to which the property is sought to be put is a superior public use to that to which it has already been appropriated. The fair market value of the public land may be paid by the authority and computed as cost or subsidized by the State subject to reimbursement under section 359G-9.”

SECTION 4. Section 359G-9, Hawaii Revised Statutes, is amended to read:

“**Sec. 359G-9 Restrictions on transfer and use of dwelling units.**

- (a) For a period of ten years after a dwelling unit is purchased from the

authority or an agreement of sale is executed, whether on fee simple or leasehold property the following restrictions shall apply to the use and transfer of the unit and the property:

- (1) Any dwelling unit sold by the authority shall be owner occupied. Violation of this provision is sufficient cause for the authority to repurchase the dwelling unit as provided for in paragraph (2);
- (2) Title to the dwelling unit and the property or the lease may not be transferred except to the authority, at a price which shall not exceed the greater of the amount of the original cost to the purchaser or the fair market value of the premises less any amounts subsidized by the State, as determined by the authority, and less also interest thereon at the same rate as that paid by the purchaser on his mortgage or other security agreement, provided, however, that title to a dwelling unit and the property or lease may pass to a family member by devise or through the laws of descent, who would otherwise qualify under the rules and regulations established by the authority.
- (3) Any deed, lease, agreement of sale, mortgage, or other instrument of conveyance issued by the authority or by any fee owner in the case of a lease shall expressly contain the restriction on transfer and use of the dwelling unit as prescribed in this section.

(b) Any time after ten years have elapsed from the date a dwelling unit is purchased from the authority, the purchaser may sell the unit and sell or assign the property to any person free from any price restrictions, provided that the purchaser shall be required to pay to the authority:

- (1) The balance of the mortgage note, agreement of sale or amount owing under similar instrument.
- (2) To the extent that any profit is realized, any subsidy made by the authority or the State not counted as cost under section 359G-8 but charged to the dwelling unit by good accounting practice as determined by the authority whose books shall be prima facie evidence of the correctness of the cost.
- (3) To the extent that any profit is realized, interest on the amount determined under paragraph (2) above computed from the date of occupancy, at the same rate as that paid by the purchaser on his mortgage or other security agreement.
- (4) If any proposed sale or transfer would not generate sufficient profit to enable the repayment of all sums under paragraphs (1), (2) and (3) above the authority shall have the right of first refusal to repurchase the unit. These provisions of subsection (b) shall be incorporated in any deed, lease, agreement of sale, mortgage or other instrument of conveyance issued by the authority.

(c) Notwithstanding the provisions of subsection (a) and (b) above the authority may at any time consent to the sale or transfer of a unit for such a price and on such terms as the authority may determine, in accordance with adopted rules or regulations, to preserve the intent of those provisions without the necessity for the State to repurchase the unit.

(d) Notwithstanding the provisions of subsections (a) and (b) above, the authority may at any time waive the restrictions of subsections (a) (2), (a) (3),

and (b), if the State makes no subsidy in the form of unrecovered land costs or unrecovered development costs, except such tax relief granted under section 359G-15, and except such costs, if any, (1) allocable to the staff of the authority in the administration of the partnership, (2) for training of labor under section 359G-13, and (3) for the development of innovative techniques and research under section 359G-14.

(e) If the restrictions of subsections (a) (2), (a) (3), and (b) are waived by the Authority pursuant to subsection (d) above, then in such case, for a period of ten years after a dwelling unit is purchased from the Authority or an agreement of sale is executed, whether on fee simple or leasehold property, the following restrictions shall apply to the use and transfer of the unit and the property:

- (1) Any dwelling unit sold by the Authority shall be owner occupied. Violation of this provision is sufficient cause for the Authority to repurchase the dwelling unit as provided for in subsection (e) (2);
- (2) Title to the dwelling unit and the land or the leasehold interest may not be transferred except to the Authority, at a price which shall not exceed the greater of the amount of the original cost to the purchaser or the fair market value at the time of transfer to the Authority; provided that, in the event the Department of Housing and Urban Development, through its Federal Housing Administration, shall at any time become the owner of said dwelling unit and the land or leasehold interest pursuant to a contract or mortgage insurance, this right to repurchase by the Authority shall be suspended and be of no force and effect during the period of such ownership, the said right to repurchase being automatically reinstated and fully effective and applicable from and after any period of such ownership; and provided further that title to a dwelling unit and the land or leasehold interest may pass to a family member by devise or through the laws of descent, who would otherwise qualify under the rules and regulations established by the Authority.
- (3) Any deed, lease, agreement of sale, mortgage, or other instrument of conveyance issued by the Authority or by any fee owner in the case of a lease pursuant to this subsection shall expressly contain the restriction on transfer and use of the dwelling unit as prescribed in this subsection."

SECTION 5. Chapter 359G, Hawaii Revised Statutes, is amended by adding thereto a new section to read:

**"Sec. 359G-11.1 State financing of projects.** The authority may provide interim construction loans to developers whose projects for the development and construction of dwelling units qualify for federally assisted project mortgage insurance, federally assisted home mortgage insurance, or other similar programs of federal assistance, for persons of low-and moderate-income housing.

Loans secured and made under this section shall bear interest computed at one percent more, rounded to the nearest one-eighth of one percent, than that paid by the State for general obligation bonds issued for the project.

The loans shall be secured by a duly recorded first mortgage upon the fee simple or leasehold interest in the land upon which the dwelling units are constructed. The authority may require such other security interests and instruments as it deems necessary to secure the indebtedness and such other conditions consistent with the production and marketing of dwelling units at the lowest possible prices. The authority may also set the conditions of the loan in a building and loan agreement between the borrower and the authority in order to secure the loan and the performance of the borrower to complete the project.”

SECTION 6. Section 359G-15, Hawaii Revised Statutes, is amended to read:

“**Sec. 359G-15 Exemption from general excise tax.** Notwithstanding any other law to the contrary, all rents and proceeds received from housing or housing projects, including all gross proceeds received by contractors for the construction of such housing or housing projects, developed pursuant to section 359G-6 and section 359G-11 shall be exempt from general excise or receipts taxes. A claim for such exemption shall be filed with the director of taxation pursuant to rules and regulations promulgated by the director of taxation.”

SECTION 7. Subsection (c) of section 359G-4, Hawaii Revised Statutes, is amended to read as follows:

(c) Acquire, by eminent domain, exchange, or negotiation, land or property required for the purposes of this chapter. Land or property includes vacant land or land with site improvements whether partially or entirely finished in accordance with governmental subdivision standards, or with completed dwellings. Whenever land with a completed dwelling or dwellings thereon is acquired by exchange or negotiation, the exchange value or purchase price for each such dwelling, including land, shall not exceed its appraised value but in no event shall such value or price exceed the limits established from time to time under the new Section 235 Program, Home Ownership for Lower Income Families, as administered by the Federal Housing Administration, U.S. Department of Housing and Urban Development.”

SECTION 8. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 9. This Act shall take effect upon its approval.

(Approved May 25, 1971.)

ACT 112

S. B. NO. 862

A Bill for an Act Making an Appropriation for a Feasibility Study of a Major Systems Recycling Program.

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

\* Edited accordingly.

## ACT 113

SECTION 1. The purpose of this Act is to appropriate funds for a feasibility study of a major systems recycling program for the State's natural resources and solid wastes.

SECTION 2. The major goal of the study should be to determine how to best maximize the use of the State's natural resources through the methods of recycling while causing the least environmental harm or deterioration. The study shall include, but not be limited to:

- (a) an evaluation of the State's present solid waste problems along with a survey of existing technologies to either dispose of or recycle solid wastes;
- (b) a projection of future solid waste characteristics of the State along with a prediction of possible future technologies of both solid waste disposal and recycling;
- (c) a listing of alternative State action plans to encourage and implement recycling in the order of desirability;
- (d) a plan for the continued monitoring and re-evaluation of the State's solid waste problems and potentials for recycling;
- (e) a plan for the creation of a State natural resources data bank; and
- (f) an investigation of possible sources of funding to assure the maximum implementation of the study's conclusions and proposals.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000, or so much thereof as may be necessary, to the State office of environmental quality control to carry out the purpose of this Act. The State office of environmental quality control shall use every possible means to secure other sources of funds, including but not limited to federal funds and private funds for this study. The appropriations made by this Act may be used to contract with other State agencies, and in addition may be expended for research and evaluation of other solid wastes and recycling programs.

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

(Approved May 25, 1971.)

## ACT 113

S. B. NO. 913

A Bill for an Act Amending Section 281-56, Hawaii Revised Statutes, Relating to Liquor License Applications.

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

SECTION 1. Section 281-56, Hawaii Revised Statutes, is amended by amending the paragraph numbered (3) to read as follows:

“(3) The locality of any church, chapel, or school, if any, within a distance of five hundred feet from the nearest point of the premises for which the license is asked to the nearest point of the church, chapel or school grounds;”

SECTION 2. Statutory material to be repealed is bracketed. New ma-

terial is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 25, 1971.)

## ACT 114

S. B. NO. 1123

A Bill for an Act Relating to Foreign Corporations.

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

SECTION 1. Part I of Chapter 418, Hawaii Revised Statutes is hereby amended to read as follows:

**“PART I. FOREIGN CORPORATIONS GENERALLY**

**Sec. 418-1. Declaration.** Every corporation organized under the laws of any other jurisdiction which undertakes to do or transact business in this State shall file in the office of the director of regulatory agencies:

- (1) A declaration sworn to on oath by two authorized officers of the corporation stating:
  - (A) The name of the corporation;
  - (B) The state wherein it was incorporated;
  - (C) The address of its principal office;
  - (D) The address of its proposed branch office or offices in the State;
  - (E) The names and addresses of its officers and directors;
  - (F) The amount of its paid up capital stock;
  - (G) The total value of the property owned and used by it in its business;
  - (H) The nature and total value of the property to be acquired by it for use in the State within the following 12 months;
  - (I) The total dollar amount of business transacted by it during its preceding fiscal year;
  - (J) The nature of the business to be transacted in the State;
  - (K) The name and business address of the person residing within the State upon whom legal notice and process from the courts of the State, or notices from officials of the State, may be served.
- (2) A copy of the articles of incorporation as amended to the date of the declaration, certified to by the proper officer of the state where the corporation was organized, which certificate shall also state that the corporation is in good standing if that is the fact.

**“Sec. 418-2. Same; by nonprofit corporation.** Any corporation organized without capital stock under the laws of any other jurisdiction for any lawful purpose except the carrying on of a business, trade, avocation or profession for profit which undertakes to do or transact business in this State shall file in the office of director of regulatory agencies:

\* Edited accordingly.

- (1) A declaration sworn to on oath by two authorized officers of the corporation stating:
  - (A) The name of the corporation;
  - (B) The state wherein it was incorporated;
  - (C) The address of its principal office;
  - (D) The address of its proposed branch office or offices in the State;
  - (E) The name and addresses of its officers and directors, if any;
  - (F) The nature of the business to be transacted in the State;
  - (G) The name and business address of the person residing within the State upon whom legal notice and process from the courts of the State, or notices from officials of the State, may be served;
  - (H) That the corporation is not organized for profit and that it will not issue any stock, and no part of its assets, income, or earnings shall be distributed to its members, directors, or officers, except for services actually rendered to the corporation.
- (2) A copy of the articles of incorporation as amended to the date of the declaration, certified to by the proper officer of the state wherein the corporation was organized, which certificate shall also state that the corporation is in good standing if that is the fact.

**Sec. 418-3. Registered agent, change of agent.** Every foreign corporation authorized to transact business in this State shall have and continuously maintain in this State an agent for service of process. A foreign corporation authorized to transact business in this State may change its agent to accept service of process in this State by filing with the director of regulatory agencies a statement of such change verified by any authorized officer. Upon the filing of such verified statement, the appointment shall become effective. Any person authorized as agent to accept service of process of a foreign corporation may resign as such agent upon filing a written notice thereof executed in duplicate with the director of regulatory agencies who shall forthwith mail a copy thereof to the corporation at its principal office. The appointment of such agent shall terminate upon the expiration of 30 days after receipt of such notice by the director of regulatory agencies. If any agent designated by a foreign corporation shall die or remove from the State or resign then the foreign corporation shall, within 30 days after the death, removal or resignation of the agent, substitute, designate and certify to the director of regulatory agencies another agent.

**Sec. 418-4. Declaration not acceptable, when.** No declaration of a corporation required to file a declaration under section 418-1 or 418-2 shall be accepted by the director of regulatory agencies if the name of the corporation is the same as the name of any corporation or copartnership, domestic or foreign, previously authorized or qualified to do business under the laws of the State or with any trade name previously registered under the laws of the State, or so nearly similar thereto as to lead to confusion and uncertainty. No declaration of a corporation required to file a declaration under Section 418-1 shall be accepted by the director if the paid-in capital as shown on the declaration is less than \$1,000.00.

**Sec. 418-5. Additional requirements in case of amendment of charter,**



**merger or consolidation.** Every foreign corporation qualified to do business in this State which shall amend its charter or shall be a party to a merger or consolidation shall, within 30 days after the time the amendment or merger or consolidation becomes effective, file with the director of regulatory agencies a copy of the amendment or a copy of the articles of merger or consolidation, duly certified by the proper officer of the jurisdiction in which the corporation shall have been incorporated or under the laws of which the merger or consolidation was effected.

**Sec. 418-6. Activities not constituting doing business in State.** Without excluding other activities which may not constitute doing or carrying on business in the State, a corporation formed or organized under the laws of any territory, possession, or other state of the United States, or of any foreign state or country shall not be considered to be doing or carrying on business in the State for the purposes of this chapter by reason of carrying on in the State any one or more of the following activities:

- (1) Maintaining or defending any action or suit or any administrative or arbitration proceedings or effecting the settlement thereof or the settlement of claims or disputes.
- (2) Holding meeting of its directors or shareholders or carrying on other activities concerning its internal affairs.
- (3) Maintaining bank accounts.
- (4) Maintaining offices or agencies for the transfer, exchange, and registration of its securities, or appointing and maintaining agents, trustees, or depositories with relation to its securities.
- (5) Effecting sales through independent contractors.
- (6) Soliciting or procuring orders whether by mail or through employees or agents or otherwise where the orders require acceptance without the State before becoming binding contracts.
- (7) Creating evidences of debt, mortgages, or liens on real or personal property.
- (8) Securing or collecting debts or enforcing any rights in property securing the same.
- (9) Transacting any business in interstate commerce.
- (10) Conducting an isolated transaction completed within a period of thirty days and not in the course of a number of repeated transactions of like nature.

**Sec. 418-7. Powers and liabilities; fees.** Every foreign corporation, other than nonprofit, on complying with section 418-1 and paying to the director of regulatory agencies a fee of \$50 shall, subject to sections 418-9 and 418-13, have the same powers and privileges and be subject to the same disabilities as are by law conferred on corporations constituted under the laws of the State, and shall, for the purposes for which it is constituted, have full power to hold, take, and convey by way of sale, mortgage, or otherwise, real, personal, and mixed estate in the State; provided, that the purposes for which the corporation is constituted are not repugnant to or in conflict with any law of the State. Nothing herein shall be construed to give any corporation any of the special powers conferred by law upon railroad or banking corporations constituted under the laws of the State.

**Sec. 418-8. Powers and liabilities; foreign nonprofit corporation.** Every foreign nonprofit corporation on complying with section 418-2 and paying to the director of regulatory agencies a fee of \$10 shall, subject to section 418-13, have the same powers and privileges and be subject to the same disabilities as are by law conferred on nonprofit corporations constituted under the laws of the State, and shall, for the purposes for which it is constituted, have full power to hold, take, and convey by way of sale, mortgage, or otherwise real, personal, and mixed estate in the State; provided, that the purposes for which the corporation is constituted are not repugnant to or in conflict with any law of the State.

**Sec. 418-9. Annual license mandatory, exceptions; fees.** No foreign corporation except foreign insurance companies and foreign nonprofit corporations which does not invest and use all its capital in the State shall do or carry on business in the State unless it shall first have obtained from the director of regulatory agencies an annual license to do so. Every corporation shall pay to the director of regulatory agencies an annual license fee of \$100. The license fee shall be assessed on the basis of the fiscal year from July 1 to June 30. The first license fee due upon qualification shall be prorated according to the month of qualification and shall be as follows:

July	\$100.00	January	50.00
August	91.67	February	41.67
September	83.33	March	33.33
October	75.00	April	25.00
November	66.67	May	16.67
December	58.33	June	8.33

The director may settle and collect an account against any corporation violating this section for the amount of the license fee together with a penalty of fifty per cent for failure to pay the same; provided, that no license shall be necessary for any corporation while solely employed by the government of the United States. The director may, for good cause shown, reduce or waive the penalty.

**Sec. 418-10. Penalties.** Every person acting as agent, or assuming to act as agent, of any foreign corporation which has failed to comply with any of the statutes regarding foreign corporations, shall forfeit to the State \$100 for every violation, neglect, or failure, to be recovered by action brought in the name of the State by the director of regulatory agencies.

Any corporation violating or neglecting or failing in any particular to conform to or comply with any of the provisions of this chapter shall be subject to a forfeiture of an amount to be determined by the director not exceeding \$100 for every such violation, neglect or failure, to be recovered by action brought in the name of the State by the director. A continuance of a delinquency shall be a separate offense for each 30 days of the continuance. The director may, for good cause shown, reduce or waive the penalties imposed by this section.

**Sec. 418-11. Annual exhibit.**

(1) Every corporation qualified under Section 418-1 shall file with the

director of regulatory agencies a full and accurate exhibit of its state of affairs within 180 days immediately following the end of its fiscal period together with a remittance of \$10 to cover the filing fee.

- (2). Every corporation qualifying under Section 418-2 shall file with the director of regulatory agencies a full and accurate exhibit of its state of affairs within 180 days immediately following the end of its fiscal period together with a remittance of \$1 to cover the filing fee.

**Sec. 418-12. Examination by director.** The director of regulatory agencies may at any time either by himself or by one or more commissioners appointed by him, call for the production of the books and papers of any foreign corporation doing business in the State, and examine its officers, members, and others touching its affairs, under oath; and the director may, in his discretion, lay before the governor and also publish the annual reports and statement of the examination.

**Sec. 418-13. Procedure to compel examination.** In case any foreign corporation refuses or fails to present the annual exhibit of its affairs to the director of regulatory agencies or to produce its books and papers upon the request of the director, or of the commissioner appointed by him, or if any of the officers or members of the corporation refuses to be examined on oath touching the affairs of the same, the director or the commissioner may apply to a circuit judge at chambers for an order to compel the production of the books and papers, or the examination of the officers and members thereof, and the judge may enforce obedience to the order as in the case of its ordinary decrees and orders; and the corporation shall be denied the benefit of the laws of the State, particularly the statute limiting the time for the commencement of civil actions, and shall not be entitled to sue in any court of the State for any cause of action, while the neglect or refusal continues.

**Sec. 418- Penalty for false statements.** Any person who makes a false statement in any declaration, exhibit, statement or affidavit shall be fined not more than \$5,000.

**Sec. 418-14. Withdrawal procedure; notice to creditors, etc.; taxes, etc.; service of process on.** Any foreign corporation which has qualified to transact business in this State may withdraw and surrender its right to engage in business within this State by securing from the director of regulatory agencies a certificate of withdrawal, in the manner hereinafter provided. The corporation shall file in the office of the director:

- (1) A certificate executed and acknowledged by its president or vice-president, and secretary or treasurer, setting forth:
- (A) That it surrenders its authority to transact business in this State,
  - (B) That it irrevocably consents that process against it in any action or suit upon any liability or obligation incurred within this State before the issuance of the certificate of withdrawal may be served upon the director and that service of process upon the director shall be deemed sufficient service upon it, and
  - (C) A post office address to which the director may mail a copy of

any process against the corporation that may be so served upon him;

- (2) Satisfactory proof showing that, within sixty days last past, it has advertised in a daily newspaper of general circulation in the State, once in each of four successive weeks (four publications), a notice to all creditors of the corporation that it intends to apply, within sixty days from the first publication of the notice, to the director for a certificate of withdrawal and intends to withdraw from and surrender its right to engage in business within this State and notifying all creditors of the corporation or company to present their claims;
- (3) Satisfactory proof that not less than fifteen days have elapsed since the last publication of the notice;
- (4) Satisfactory proof showing that all creditors of the corporation, resident or located within the State, have been paid; and
- (5) A valid certificate or certificates showing that all of the taxes, imposts, license fees, and assessments theretofore levied upon, due or payable by the corporation to the State have been fully paid and discharged.

Upon the filing with and the approval by the director of the aforesaid certificates and proofs and after payment of a fee of \$3 for the certificate, the director shall issue to the corporation a certificate stating that it has withdrawn and surrendered its right to engage in business within this State. No corporation may withdraw from this State without complying with the aforesaid conditions and until such compliance service of legal notices and processes upon the person designated by it under section 418-1 or 418-2 shall be deemed sufficient service upon it, or if the designated person does not continue to reside in the State at the designated business address, service of the notices and processes upon the director shall be deemed sufficient service of the notices and processes upon it.

**Sec. 418-15. Cancellation of registration.** (a) If any corporation which has complied with section 418-1 or 418-2 has failed or neglected for a period of two years to file an annual exhibit as required by law, the director of regulatory agencies may cancel the registration of the corporation. At least sixty days prior to the cancellation, the director shall cause notice thereof to be given to the person named in the declaration required by section 418-1 or 418-2 as the person residing within the State upon whom notice and process from the courts of the State or notices from officials of the State may be served, and shall cause notice thereof to the creditors of the corporation to be published once in each of two successive weeks in a daily newspaper of general circulation in the State. The expenses of the notice, whether given by personal service, by mailing, by publication, or by all thereof, shall be a charge against and may be collected by action against the corporation concerned. Any corporation, the registration of which is canceled pursuant to this section, shall be deemed no longer qualified under this part to transact business in this State, and shall not be registered hereunder except upon compliance with the provisions hereof as if for the first time.

**Sec. 418-16. Fraternal benefit societies exempt from chapter.** Fraternal benefit societies licensed under chapter 434 shall not be subject to this chapter.”

SECTION 2. All foreign corporation bonds in effect, on the effective date of this Act, are hereby cancelled.

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

(Approved May 25, 1971.)

## ACT 115

## H. B. NO. 46

A Bill for an Act Relating to the Uniform Rendition of Accused Persons Act.

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

**SECTION 1. Arrest of accused person illegally in State.** (a) If a person who has been charged with crime in another state and released from custody prior to final judgment, including the final disposition of any appeal, is alleged to have violated the terms and conditions of his release, and is present in this State, a designated agent of the court, judge, or magistrate which authorized the release may request the issuance of a penal summons or of a warrant for the arrest of the person and an order authorizing his return to the demanding court, judge, or magistrate. Before the warrant is issued, the designated agent must file with a district judge or magistrate of this State the following documents:

- (1) An affidavit stating the name and whereabouts of the person whose removal is sought, the crime with which the person was charged, the time and place of the crime charged, and the status of the proceedings against him;
- (2) A certified copy of the order or other document specifying the terms and conditions under which the person was released from custody; and
- (3) A certified copy of an order of the demanding court, judge, or magistrate stating the manner in which the terms and the conditions of the release have been violated and designating the affiant its agent for seeking removal of the person.

(b) Upon initially determining that the affiant is a designated agent of the demanding court, judge, or magistrate, and that there is probable cause for believing that the person whose removal is sought has violated the terms or conditions of his release, the district judge or magistrate shall issue a penal summons or a warrant to a law enforcement officer of this State for the person's arrest.

(c) The district judge or magistrate shall notify the prosecuting attorney of his action and shall direct him to investigate the case to ascertain the validity of the affidavits and documents required by subsection (a) and the identity and authority of the affiant.

**SECTION 2. Hearing and right to counsel.** (a) The person whose removal is sought shall be brought before the district judge or magistrate im-

mediately upon arrest pursuant to the penal summons or warrant; whereupon the district judge or magistrate shall set a time and place for hearing, and shall advise the person of his right to have the assistance of counsel, to confront the witnesses against him, and to produce evidence in his own behalf at the hearing.

(b) The person whose removal is sought may at this time in writing waive the hearing and agree to be returned to the demanding court, judge, or magistrate. If a waiver is executed, the district magistrate shall issue an order pursuant to section 3 of this Act.

(c) The district judge or magistrate may impose conditions of release authorized by the laws of this State which will reasonably assure the appearance at the hearing of the person whose removal is sought.

**SECTION 3. Order of return to demanding court.** The prosecuting attorney shall appear at the hearing and report to the district judge or magistrate the results of his investigation. If the district judge or magistrate finds that the affiant is a designated agent of the demanding court, judge, or magistrate and that the person whose removal is sought was released from custody by the demanding court, judge, or magistrate, and that the person has violated the terms or conditions of his release, the district judge or magistrate may issue an order authorizing the return of the person to the custody of the demanding court, judge or magistrate forthwith.

**SECTION 4.** All costs shall be paid by the designated agent and reasonable attorneys fees shall be awarded to the person whose removal is sought, if an order authorizing his return to the custody of the demanding court, judge or magistrate is not issued.

**SECTION 5. Severability.** If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

**SECTION 6. Uniformity of interpretation.** This Act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

**SECTION 7. Short title.** This Act may be cited as the Uniform Rendition of Accused Persons Act.

**SECTION 8.** This Act shall take effect upon its approval.

(Approved May 25, 1971.)

ACT 116

H. B. NO. 47

A Bill for an Act Relating to the Uniform Act to Secure the Attendance of Witnesses from without a State in Criminal Proceedings.

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

**SECTION 1. Definitions.** As used in this Act:

(1) "State" includes any state, territory, or possession, of the United

States, the Commonwealth of Puerto Rico, and the District of Columbia.

- (2) "Summon" includes a subpoena, order, or other notice requiring the appearance of a witness.
- (3) "Witness" includes a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution, or proceeding.

**SECTION 2. Summoning witness in this State to testify in another state.** If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this State certifies under the seal of such court that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person being within this State is a material witness in such prosecution, or grand jury investigation, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the judicial district in which such person is, such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing.

If at a hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state, and that the laws of the state in which the prosecution is pending, or grand jury investigation has commenced or is about to commence, and of any other state through which the witness may be required to pass by ordinary course of travel, will give to him protection from arrest and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein.

If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, such judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him for said hearing; and the judge at the hearing being satisfied of the desirability of such custody and delivery, for which determination the certificate shall be prima facie proof of such desirability may, in lieu of issuing subpoena or summons, order that said witness be forthwith taken into custody and delivered to an officer of the requesting state.

If the witness, who is summoned as above provided, after being paid or tendered by some properly authorized person a sum equivalent to the cost of round-trip air fare to the place where the prosecution is pending and \$30 for each day, that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this State.

**SECTION 3. Witness from another state summoned to testify in this State.** If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence in this State, is a material witness in a prosecution pending in a court of record in this State, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this State to assure his attendance in this State. This certificate shall be presented to a judge of a court of record in the judicial district in which the witness is found.

If the witness is summoned to attend and testify in this State he shall be tendered a sum equivalent to the cost of round-trip air fare to the place where the prosecution is pending and \$30 for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this State a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness, after coming into this State, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this State.

**SECTION 4. Exemption from arrest and service of process.** If a person comes into this State in obedience to a summons directing him to attend and testify in this State he shall not while in this State pursuant to such summons be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this State under the summons.

If a person passes through this State while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom, he shall not while so passing through this State be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this State under the summons.

**SECTION 5. Uniformity of interpretation.** This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it.

**SECTION 6. Short title.** This Act may be cited as "Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings".

**SECTION 7.** This Act shall take effect upon its approval.

(Approved May 25, 1971.)



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

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
INSURANCE COMPANY INSOLVENCY**

**Sec. -1 Title.** This chapter shall be known and may be cited as the Hawaii Insurance Guaranty Association Act.

**Sec. -2 Purpose.** The purpose of this chapter is to provide a mechanism for the payment of covered claims under certain insurance policies to avoid excessive delay in payment and to avoid financial loss to claimants or policyholders because of the insolvency of an insurer, to assist in the detection and prevention of insurer insolvencies, and to provide an association to assess the cost of such protection among insurers.

**Sec. -3 Scope.** This chapter shall apply to all kinds of direct insurance, except life, title, surety, disability, credit, mortgage guaranty, and ocean marine insurance.

**Sec. -4 Construction.** This chapter shall be liberally construed to effect the purpose under section -2 which shall constitute an aid and guide to interpretation.

**Sec. -5 Definitions.** As used in this chapter:

- (1) “Association” means the Hawaii Insurance Guaranty Association created under section -6.
- (2) “Commissioner” means the insurance commissioner of this State.
- (3) “Covered claim” means an unpaid claim, including one for unearned premiums, which arises out of and is within the coverage and not in excess of the applicable limits of an insurance policy to which this chapter applies issued by an insurer, if such insurer becomes an insolvent insurer after the effective date of this chapter and (A) the claimant or insured is a resident of this State at the time of the insured event or (B) the property from which the claim arises is permanently located in this State. “Covered claim” does not include any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise.
- (4) “Insolvent insurer” means (A) an insurer authorized to transact insurance in this State either at the time the policy was issued or when the insured event occurred and (B) determined to be insolvent by a court of competent jurisdiction.
- (5) “Member insurer” means any person who (A) writes any kind of insurance to which this chapter applies under section -3, including the exchange of reciprocal or inter-insurance contracts, and (B) is licensed to transact insurance in this State.
- (6) “Net direct written premiums” means direct gross premiums written in this State on insurance policies to which this chapter applies, less return premiums thereon and dividends paid or credited to

policyholders on such direct business. "Net direct written premiums" does not include premiums on contracts between insurers or re-insurers.

- (7) "Person" means any individual, corporation, partnership, association, or voluntary organization.

**Sec. -6 Creation of association.** There is created a nonprofit unincorporated legal entity to be known as the Hawaii Insurance Guaranty Association. All insurers defined as member insurers in section -5(5) shall be and remain members of the association as a condition of their authority to transact insurance in this State. The association shall perform its function under a plan of operation established and approved under section -9 and shall exercise its powers through a board of directors established under section -7.

**Sec. -7 Board of directors.** (a) The board of directors of the association shall consist of not less than five nor more than nine persons serving terms as established in the plan of operation. The members of the board shall be selected by member insurers subject to the approval of the commissioner. Vacancies on the board shall be filled for the remaining period of the term in the same manner as initial appointments. If no members are selected within sixty days after the effective date of this chapter, the commissioner may appoint the initial members of the board of directors.

(b) In approving selections to the board, the commissioner shall consider, among other things, whether all member insurers are fairly represented.

(c) Members of the board may be reimbursed from the assets of the association for expenses incurred by them as members of the board of directors.

**Sec. -8 Powers and duties of association.** (a) The association shall:

- (1) Be obligated to the extent of the covered claims existing prior to the determination of insolvency and arising within thirty days after the determination of insolvency, or before the policy expiration date if less than thirty days after the determination, or before the insured replaces the policy or causes its cancellation, if he does so within thirty days of the determination, but such obligation shall include only that amount of each covered claim which is in excess of \$100 and is less than \$300,000, except that the association shall pay the full amount of any covered claim arising out of a workmen's compensation policy. In no event shall the association be obligated to a policyholder or claimant in an amount in excess of the obligation of the insolvent insurer under the policy from which the claim arises.
- (2) Be deemed the insurer to the extent of its obligation on the covered claims and to such extent shall have all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent.
- (3) Assess insurers amounts necessary to pay the obligations of the association under subsection (a) (1) subsequent to an insolvency, the expenses of handling covered claims subsequent to an insolvency,

and the cost of examinations under section -13, and other expenses authorized by this chapter. The assessments of each member insurer shall be in the proportion that the net direct written premiums of the member insurer for the preceding calendar year bears to the net direct written premiums of all member insurers for the preceding calendar year. Each member insurer shall be notified of the assessment not later than thirty days before it is due. No member insurer may be assessed in any year an amount greater than two per cent of that member insurer's net direct written premiums for the preceding calendar year. If the maximum assessment, together with the other assets of the association, does not provide in any one year an amount sufficient to make all necessary payments, the funds available shall be prorated and the unpaid portion shall be paid as soon thereafter as funds become available. The association may exempt or defer, in whole or part, the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. Each member insurer may set off against any assessment authorized payments made on covered claims and expenses incurred in the payment of such claims by the member insurer.

- (4) Investigate claims brought against the association and adjust, compromise, settle, and pay covered claims to the extent of the association's obligation and deny all other claims and may review settlements, releases, and judgments to which the insolvent insurer or its insureds were parties to determine the extent to which such settlements, releases, and judgments may be properly contested.
- (5) Notify such persons as the commissioner directs under section -10 (b) (1).
- (6) Handle claims through its employees or through one or more insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the commissioner, but such designation may be declined by a member insurer.
- (7) Reimburse each servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the association and shall pay the other expenses of the association authorized by this chapter.
- (b) The association may:
  - (1) Employ or retain such persons as are necessary to handle claims and perform other duties of the association.
  - (2) Borrow funds necessary to effect the purposes of this chapter in accord with the plan of operation.
  - (3) Sue or be sued.
  - (4) Negotiate and become a party to such contracts as are necessary to carry out the purpose of this chapter.
  - (5) Perform such other acts as are necessary or proper to effectuate the purpose of this chapter.

- (6) Refund to the member insurers in proportion to the contribution of each member insurer to the association that amount by which the assets of the association exceed the liabilities, if, at the end of any calendar year, the board of directors finds that the assets of the association exceed the liabilities of the association as estimated by the board of directors for the coming year.

**Sec. -9 Plan of operation.**

- (a) (1) The association shall submit to the commissioner a plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the association. The plan of operation and any amendments thereto shall become effective upon approval in writing by the commissioner.
- (2) If the association fails to submit a suitable plan of operation within ninety days following the effective date of this chapter or if at any time thereafter the association fails to submit suitable amendments to the plan, the commissioner shall, after notice and hearing, promulgate, pursuant to chapter 91, such rules as are necessary to effectuate this chapter. The rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.
- (b) All member insurers shall comply with the plan of operation.
- (c) The plan of operation shall:
  - (1) Establish the procedures whereby all the powers and duties of the association under section -8 will be performed.
  - (2) Establish procedures for handling assets of the association.
  - (3) Establish the amount and method of reimbursing members of the board of directors under section -7.
  - (4) Establish procedures by which claims may be filed with the association and establish acceptable forms of proof of covered claims. Notice of claims to the receiver or liquidator of the insolvent insurer shall be deemed notice to the association or its agent and a list of such claims shall be periodically submitted to the association or similar organization in another State by the receiver or liquidator.
  - (5) Establish regular places and times for meetings of the board of directors.
  - (6) Establish procedures for records to be kept of all financial transactions of the association, its agents, and the board of directors.
  - (7) Provide that any member insurer aggrieved by any final action or decision of the association may appeal to the commissioner within thirty days after the action or decision.
  - (8) Establish the procedures whereby selections for the board of directors will be submitted to the commissioner.
  - (9) Contain additional provisions necessary or proper for the execution of the powers and duties of the association.
- (d) The plan of operation may provide that any or all powers and duties of the association, except those under section -8(a) (3) and (b) (2),

are delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association, or its equivalent, in two or more states. Such a corporation, association, or organization shall be reimbursed as a servicing facility would be reimbursed and shall be paid for its performance of any other functions of the association. A delegation under this subsection shall take effect only with the approval of both the board of directors and the commissioner, and may be made only to a corporation, association, or organization which extends protection not substantially less favorable and effective than that provided by this chapter.

**Sec. -10 Powers and duties of the commissioner.** (a) The commissioner shall:

- (1) Notify the association of the existence of an insolvent insurer not later than three days after he receives notice of the determination of the insolvency.
- (2) Upon request of the board of directors, provide the association with a statement of the net direct written premiums of each member insurer.

(b) The commissioner may:

- (1) Require that the association notify the insureds of the insolvent insurer and any other interested parties of the determination of insolvency and of their rights under this chapter. The notification shall be by mail at their last known address, where available, but if sufficient information for notification by mail is not available, notice by publication in a newspaper of general circulation shall be sufficient.
- (2) Suspend or revoke after notice and hearing, the certificate of authority to transact insurance in this State of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative, the commissioner may levy a fine on any member insurer which fails to pay an assessment when due. The fine shall not exceed five per cent of the unpaid assessment per month, except that no fine shall be less than \$100 per month.
- (3) Revoke the designation of any servicing facility if he finds claims are being handled unsatisfactorily.

(c) Any final action or order of the commissioner under this chapter shall be subject to judicial review in a circuit court.

**Sec. -11 Effect of paid claims.** (a) Any person recovering under this chapter shall be deemed to have assigned his rights under the policy to the association to the extent of his recovery from the association. Every insured or claimant seeking the protection of this chapter shall cooperate with the association to the same extent as such person would have been required to cooperate with the insolvent insurer. The association shall have no cause of action against the insured of the insolvent insurer for any sums it has paid out except such causes of action as the insolvent insurer would have had if the sums had been paid by the insolvent insurer. In the case of an insolvent insurer operating on a plan with assessment liability, payments of claims of the association shall not operate to reduce the liability of insured's

to the receiver, liquidator, or statutory successor for unpaid assessments.

(b) The receiver, liquidator, or statutory successor of an insolvent insurer shall be bound by settlements of covered claims by the association or a similar organization in another state. The court having jurisdiction shall grant such claims priority equal to that which the claimant would have been entitled in the absence of this chapter against the assets of the insolvent insurer. The expenses of the association or similar organization in handling claims shall be accorded the same priority as the liquidator's expenses.

(c) The association shall periodically file with the receiver or liquidator of the insolvent insurer statements of the covered claims paid by the association and estimates of anticipated claims on the association which shall preserve the rights of the association against the assets of the insolvent insurer.

**Sec. -12 Nonduplication of recovery.** (a) Any person having a claim against an insurer under any provision in an insurance policy other than a policy of an insolvent insurer which is also a covered claim shall be required to exhaust first his right under such policy. Any amount payable on a covered claim under this chapter shall be reduced by the amount of any recovery under such insurance policy.

(b) Any person having a claim which may be recovered under more than one insurance guaranty association or its equivalent shall seek recovery first from the association of the place of residence of the insured except that if it is a first party claim for damage to property with a permanent location, he shall seek recovery first from the association of the location of the property, and if it is a workmen's compensation claim, he shall seek recovery first from the association of the residence of the claimant. Any recovery under this chapter shall be reduced by the amount of recovery from any other insurance guaranty association or its equivalent.

**Sec. -13 Prevention of insolvencies.** To aid in the detection and prevention of insurer insolvencies:

- (1) It shall be the duty of the board of directors, upon majority vote, to notify the commissioner of any information indicating any member insurer may be insolvent or in a financial condition hazardous to the policyholders or the public.
- (2) The board of directors may, upon majority vote, request that the commissioner order an examination of any member insurer which the board in good faith believes may be in a financial condition hazardous to the policyholders or the public. Within thirty days of the receipt of such request, the commissioner shall begin the examination. The examination may be conducted as a National Association of Insurance Commissioners examination or may be conducted by such persons as the commissioner designates. The cost of such examination shall be paid by the association and the examination report shall be treated as are other examination reports. In no event shall such examination report be released to the board of directors prior to its release to the public, but this shall not preclude the commissioner from complying with paragraph (3). The commissioner shall notify the board of directors when the examination is completed. The request

for an examination shall be kept on file by the commissioner but it shall not be open to public inspection prior to the release of the examination report to the public.

- (3) It shall be the duty of the commissioner to report to the board of directors when he has reasonable cause to believe that any member insurer examined or being examined at the request of the board of directors may be insolvent or in a financial condition hazardous to the policyholders or the public.
- (4) The board of directors may, upon majority vote, make reports and recommendations to the commissioner upon any matter germane to the solvency, liquidation, rehabilitation, or conservation of any member insurer. Such reports and recommendations shall not be considered public documents.
- (5) The board of directors may, upon majority vote, make recommendations to the commissioner for the detection and prevention of insurer insolvencies.
- (6) The board of directors shall, at the conclusion of any insurer insolvency in which the association was obligated to pay covered claims, prepare a report on the history and causes of the insolvency, based on the information available to the association, and submit the report to the commissioner.

**Sec. -14 Examination of the association.** The association shall be subject to examination and regulation by the commissioner. The board of directors shall submit, not later than March 30 of each year, a financial report for the preceding calendar year in a form approved by the commissioner.

**Sec. -15 Tax exemption.** The association shall be exempt from payment of all fees and all taxes levied by this State or any of its subdivisions except taxes levied on real or personal property.

**Sec. -16 Recognition of assessment in rates.** The rates and premiums charged for insurance policies to which this chapter applies shall include amounts sufficient to recoup a sum equal to the amounts paid to the association by the member insurer less any amounts returned to the member insurer by the association and rates shall not be deemed excessive because they contain an amount reasonably calculated to recoup assessments paid by the member insurer.

**Sec. -17 Immunity.** There shall be no liability on the part of and no cause of action of any nature shall arise against any member insurer, the association or its agents or employees, the board of directors, or the commissioner or his representatives for any action taken by them in the performance of their powers and duties under this chapter.

**Sec. -18 Stay of proceedings; reopening of default judgments.** All proceedings in which the insolvent insurer is a party or is obligated to defend a party in any court in this State shall be stayed for sixty days from the date the insolvency is determined to permit proper defense by the association of all pending causes of action. As to any covered claims arising

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from a judgment under any decision, verdict, or finding based on the default of the insolvent insurer or its failure to defend an insured, the association either on its own behalf or on behalf of such insured may apply to have the judgment, order, decision, verdict, or finding set aside by the same court or administrator that made the judgment, order, decision, verdict, or finding and shall be permitted to defend against such claim on the merits."

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

(Approved May 25, 1971.)

## ACT 118

H. B. NO. 63

A Bill for an Act Relating to Driver License Renewals.

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

SECTION 1. Section 286-107, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 286-107 Renewals; requirements.** Every driver's license shall be renewable as provided in section 286-106 upon payment of a fee to be determined by the council of each county; provided that the examiner of drivers shall administer such physical examinations which the State highway coordinator deems necessary to determine a driver's fitness to continue to operate a motor vehicle; and provided that the examiner of drivers shall administer the examinations provided for in section 286-108 to every applicant for renewal who has been convicted of violations of the State traffic laws and the county traffic ordinances, which, under section 286-128, total six or more points within the twelve-month period immediately preceding the application for renewal."

"The traffic violation bureau of each county shall report each conviction of violation of the State traffic laws and the county traffic ordinances to the examiner of drivers who shall maintain a record of points accumulated by each driver."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 25, 1971.)

## ACT 119

H. B. NO. 68

A Bill for an Act Relating to the Reporting of Towed Vehicles.

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

SECTION 1. The purpose of this Act is to require any business engaged in towing vehicles to provide adequate notification to the police department

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\* Edited accordingly.



in order to facilitate location of the vehicle by the owner.

SECTION 2. Chapter 290, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“Sec. 290- Notice to police department.** Whenever a vehicle is towed by any business engaged in towing vehicles, the owner of the towing business or his designated representative shall notify the police department of the county by telephone within twenty-four hours from the time the vehicle is towed, describing the vehicle, the place from which it was towed, and such other information as the police department requires to be furnished. If the vehicle is not claimed within forty-eight hours from the time the vehicle is towed, a written notification, containing the same information, shall immediately be sent to the police department by the owner of the business or his designated representative.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 25, 1971.)

ACT 120

H. B. NO. 76

A Bill for an Act Relating to Trade Practices in the Business of Insurance.

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

SECTION 1. Section 431-643, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 431-643 Unfair methods of competition and unfair or deceptive acts or practices defined.** The following are defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance:

- (1) Misrepresentations and false advertising of policy contracts:
  - (A) Making, issuing, circulating, or causing to be made, issued, or circulated, any estimate, illustration, circular, or statement misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon; or
  - (B) Making any false or misleading statement as to the dividends or share of the surplus previously paid on similar policies; or
  - (C) Making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates; or
  - (D) Using any name or title of any policy or class of policies misrepresenting the true nature thereof; or

\* Edited accordingly.

- (E) Making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender his insurance; or
  - (F) Publishing or advertising the assets of any insurer without publishing or advertising with equal conspicuousness the liabilities of such insurer, both as shown by its last annual statement; or
  - (G) Publishing or advertising the capital of any insurer without stating specifically the amount of paid-in and subscribed capital.
- (2) False information and advertising generally. Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio station, or in any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of insurance or with respect to any person in the conduct of his insurance business, which is untrue, deceptive, or misleading.
- (3) Defamation. Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral or written statement or any pamphlet, circular, article, or literature which is false, or maliciously critical of or derogatory to the financial condition of an insurer, and which is calculated to injure any person engaged in the business of insurance.
- (4) Boycott, coercion, and intimidation:
- (A) Entering into any agreement to commit, or by any action committing, any act of boycott, coercion, or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance.
  - (B) Entering into any agreement on the condition, agreement, or understanding that a policy will not be issued or renewed unless the prospective insured contracts for another class or an additional policy of the same class of insurance with the same insurer.
- (5) False financial statements:
- (A) Filing with any supervisory or other public official, or making, publishing, disseminating, circulating, or delivery to any person, or placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false statement of financial condition of an insurer with intent to deceive; or
  - (B) Making any false entry in any book, report, or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to whom the insurer is required by

law to report, or who has authority by law to examine into its condition or into any of its affairs, or, with like intent, willfully omitting to make a true entry of any material fact pertaining to the business of the insurer in any book, report, or statement of the insurer.

- (6) Stock operations and advisory board contracts. Issuing or delivering or permitting agents, officers, or employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance.
- (7) Unfair discrimination:
  - (A) Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract; or
  - (B) Making or permitting any unfair discrimination in favor of particular individuals or persons, or between insureds or subjects of insurance having substantially like insuring, risk, and exposure factors, or expense elements, in the term or conditions of any insurance contract, or in the rate or amount of premium charge therefor, or in the benefits payable or in any other rights or privilege accruing thereunder.
- (8) Rebates, except as otherwise expressly provided by law:
  - (A) Knowingly permitting or offering to make or making any contract of insurance, or agreement as to such contract other than as plainly expressed in the contract issued thereon, or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract; or
  - (B) Giving, or selling, or purchasing, or offering to give, sell, or purchase as inducement to such insurance or in connection therewith, any stocks, bonds, or other securities of any insurance company or other corporation, association, or partnership, or any dividends or profits accrued thereon, or anything of value whatsoever not specified in the contract.
- (9) Nothing in item (7) or item (8) of this section shall be construed as including within the definition of discrimination or rebates any of the following practices:
  - (A) In the case of any contract of life insurance or life annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, provided that any such bonuses or abatement of premiums shall be fair and equitable to policy-

holders and for the best interests of the insurer and its policyholders;

- (B) In the case of life insurance policies issued on the industrial debit plan, making allowance to policy holders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expense;
- (C) Readjustment of the rate or premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year;
- (D) In the case of any contract of insurance, the distribution of savings, earnings, or surplus equitably among a class of policyholders, all in accordance with this chapter."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 25, 1971.)

ACT 121

H. B. No. 130

A Bill for an Act Relating to Public Officers and Employees.

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

SECTION 1. Amend Section 88-51, Hawaii Revised Statutes, as amended, to read:

"SECTION 88-51 **Membership service generally.** Membership service includes

- (1) service by an employee rendered since becoming a member,
- (2) service rendered prior to becoming a member but (A) subsequent to January 1, 1926, by an employee of the State or (B) subsequent to January 1, 1928, by an employee of any county,
- (3) service as an employee of the federal government where the function carried on by said government has been transferred to the State or any county, or where the employee has been transferred to the federal government and subsequently retransferred to the State or any county,
- (4) service rendered by an employee in the office of the delegate to Congress from Hawaii, or service rendered by an employee in the office of a representative or a senator to Congress from the State; provided that (A) the employee was a member of the system im-

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\* Edited accordingly.

mediately preceding the time he renders such service; (B) the employee reenters the service of the State or county within one year after termination of such service; and (C) the employee has, to the satisfaction of the board of trustees, waived his right to any credit under the Civil Service Retirement Act (5 USCA 2251) based upon such service; provided, further, that credit for such service shall not exceed eight years,

- (5) service as an employee of the Hawaii territorial guard,
- (6) service while engaged in professional improvement pursuant to an approved leave of absence for such purpose, with or without pay,
- (7) service between the years 1941 and 1945 with federal defense agencies, where the employee was employed by the government before the wartime service, went into defense work at the direction of his employer, and returned to his regular job at the end of the wartime service; provided that these circumstances shall be verified by evidence satisfactory to the board of trustees, and
- (8) service, not exceeding four years, in the military service of the United States during the period 1941-1949 rendered by an employee who was employed by the Territory or county prior to his induction into the military and who subsequently returned to employment of the Territory or county following his discharge.

Membership service shall only be credited for any period for which the member makes the required contributions to the system."

SECTION 2. All acts passed during this session of 1971, whether enacted before or after passage of this Act, shall be amended to conform to this Act, unless such acts specifically provide that this Act is being amended.

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 25, 1971.)

## ACT 122

H. B. NO. 1242

A Bill for an Act Amending Section 281-85, Hawaii Revised Statutes, Relating to Intoxicating Liquor as Prize, Gift, Premium, and other Inducement.

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

SECTION 1. Section 281-85, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 281-85. Prize, gift, premium, and other inducement.**

(a) It shall be unlawful for any person to offer or give any intoxicating liquor as a prize at any store, shooting gallery, theater, carnival, circus, bazaar, game, or entertainment, or at any public amusement, or other public

\* Edited accordingly.

## ACT 123

place or any public gathering.

(b) It shall be unlawful for any person acting as agent or representative of a non-resident principal or for any licensee directly or indirectly, or through any subsidiary or affiliate, to give any premium or free goods of intoxicating liquor or other merchandise in connection with the sale of any intoxicating liquor; or to give any premium or free goods of intoxicating liquor in connection with the sale of other merchandise.

(c) No retail dealer and no licensee who is authorized to sell liquor for consumption on his premises shall solicit or accept, either directly or indirectly, a premium or free goods of any nature in connection with his purchase of liquor from a manufacturer or wholesale dealer."

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes may exclude the underscoring.\*

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

(Approved May 25, 1971.)

## ACT 123

H. B. NO. 214

A Bill for an Act Relating to Employees of Pahala Hospital, Hawaii.

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

SECTION 1. **Purpose.** The purpose of this Act is to guarantee civil service compensation, vacation and sick leave, and retirement system rights, benefits and privileges with full credit for all past continuous service by all employees of Pahala hospital who are transferred to the new Ka'u general hospital by Act 63, Session Laws of Hawaii 1969.

SECTION 2. Section 3, Act 63, Session Laws of Hawaii 1969, is amended to read as follows:

SECTION 3. **Civil service; compensation.** Positions held by transferred employees shall be allocated by the director of personnel services to the appropriate class in the position classification plan; the employees shall be paid in accordance with the salary range or wage board level to which the class is assigned and in accordance with the increment within the salary range or wage board level based on the employees' continuous past service with Pahala hospital."

SECTION 3. Act 63, Session Laws of Hawaii 1969, is amended by adding the following sections:

"SECTION 5. **Vacation; sick leave.** Upon certification by Pahala hospital of accumulated and earned vacation and sick leave, the transferred employees shall be credited, under chapter 79, Hawaii Revised Statutes, with

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\* Edited accordingly.

their accumulated and earned vacation and sick leave to the extent that public employees are allowed to earn and accumulate these credits.

**SECTION 6. Retirement system.** Upon the transfer, the employees shall be admitted to membership in the retirement and post retirement systems provided for in chapter 88, Hawaii Revised Statutes. Upon certification of years of service and the transfer of any funds in Pahala hospital's retirement plan to the state retirement system by the hospital, all transferred employees shall be given prior service credits under chapter 88, Hawaii Revised Statutes, for their years of service at the hospital. The amount of any state retirement system benefit paid to any employee transferred by this Act for this prior service shall in no case be less than the employee would have received under the hospital's retirement plan."

SECTION 4. Section 5, Act 63, Session Laws of Hawaii 1969, is amended to read as follows:

"**SECTION 7. Effective date.** This Act shall take effect upon its approval."

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 6. This Act, upon its approval, shall take effect retroactive to June 16, 1969.

(Approved May 28, 1971.)

## ACT 124

H. B. NO. 217

A Bill for an Act Relating to Discrimination in Real Property Transactions.  
*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 515-3, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 515-3 Discriminatory practices.** It is a discriminatory practice for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesman, because of race, sex, color, religion, or ancestry:

- (1) To refuse to engage in a real estate transaction with a person;
- (2) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;
- (3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- (4) To refuse to negotiate for a real estate transaction with a person;
- (5) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property;

\* Edited accordingly.

- (6) To print, circulate, post, or mail, or cause to be so published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto; or
- (7) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith.”

SECTION 2. Section 515-5, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 515-5 Discriminatory financial practices.** It is a discriminatory practice for a person to whom application is made for financial assistance in connection with a real estate transaction or for the construction, rehabilitation, repair, maintenance, or improvement of real property, or a representative of such a person:

- (1) To discriminate against the applicant because of race, sex, color, religion, or ancestry;
- (2) To use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination as to race, sex, color, religion, or ancestry.”

SECTION 3. Section 515-6, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 515-6 Restrictive covenants and conditions.** (a) Every provision in an oral agreement or a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof to individuals of a specified race, sex, color, religion, or ancestry is void.

(b) Every condition, restriction, or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, sex, color, religion, or ancestry, is void, except a limitation of use on the basis of religion or sex of real property held by a religious institution or organization or by a religious or charitable organization operated, supervised, or controlled by a religious institution or organization, and used for religious or charitable purposes.

(c) It is a discriminatory practice to insert in a written instrument relating to real property a provision that is void under this section or to honor or attempt to honor such a provision in the chain of title.”

SECTION 4. Section 515-7, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 515-7 Blockbusting.** It is a discriminatory practice for a person, for the purpose of inducing a real estate transaction from which he may benefit financially:



- (1) To represent that a change has occurred or will or may occur in the composition with respect to race, sex, color, religion, or ancestry of the owners or occupants in the block, neighborhood, or area in which the real property is located, or
- (2) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.”

SECTION 5. Section 515-8, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 515-8 Religious institutions.** It is not a discriminatory practice for a religious institution or organization or a charitable or educational organization operated, supervised, or controlled by a religious institution or organization to give preference to members of the same religion or of one sex in a real property transaction.”

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 7. This Act shall take effect upon its approval.

(Approved May 28, 1971.)

## ACT 125

H. B. NO. 339

A Bill for an Act Relating to Membership of the Stadium Authority.  
*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 109, Hawaii Revised Statutes, is amended to read:

### “CHAPTER 109—STADIUMS

**Sec. 109-1. Stadium authority: appointment, terms.** (a) There shall be within the department of budget and finance for administrative purposes only, a stadium authority whose responsibility shall be to maintain, operate, and manage the stadium and facilities attached thereto. The authority shall consist of nine members who shall be appointed by the governor in the manner prescribed by section 26-34. Each member of the authority shall have been a citizen of the United States and a resident of the State for at least five years next preceding his appointment. The president of the university of Hawaii and the superintendent of education shall be ex-officio members of the authority but shall not vote.

(b) The chairman of the authority shall be elected by the majority of the authority. The term of each member shall be four years, provided that of the members initially appointed three members shall serve for four years,

\* Edited accordingly.

three members shall serve for three years and the remaining three members shall serve for two years. No person shall be appointed consecutively to more than two terms as a member of the authority. Vacancies shall be filled for the remainder of any unexpired term in the same manner as original appointments.

(c) The members of the authority shall serve without compensation and shall be allowed their actual and necessary expenses incurred in the performance of their duties.

**Sec. 109-2. Stadium authority: powers and duties.** The powers and duties of the stadium authority shall be as follows:

- (1) To maintain, operate and manage the stadium and related facilities.
- (2) To prescribe and collect rents, fees and charges for the use or enjoyment of the stadium or any of its facilities.
- (3) To make and execute contracts and other instruments necessary or convenient to exercise its powers under this chapter and subject to any limitations in this chapter, to exercise all power necessary, incidental or convenient to carry out and effectuate the purposes and provisions of this chapter.
- (4) To make, amend and repeal in accordance with chapter 91 such rules and regulations as it may deem necessary.
- (5) To appoint a manager and a deputy manager who shall have such qualifications as the authority deems necessary and who shall hold their respective offices at the pleasure of the authority. The manager shall be exempt from the requirements of chapters 76 and 77 and shall receive such salary as the authority may provide. The deputy manager shall be exempt from the requirements of chapter 76 but shall be subject to the position classification plan. The manager shall have full power to administer the affairs of the stadium and related facilities, subject to the direction and approval of the authority. The manager shall, subject to the approval of the authority, have power to appoint, suspend and discharge such other employees, subordinates and assistants as may be necessary for the proper conduct of the business of the authority. All appointments, suspensions or discharges shall be made in conformity with the applicable provisions of chapters 76 and 77.

**Sec. 109-3. Stadium special fund.** There is created a special fund to be known as the stadium special fund into which funds collected by the authority shall be deposited. The fund shall be applied, used and disposed of for the expenses of operation, maintenance, and management of the stadium and related facilities.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved May 28, 1971.)

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\* Edited accordingly.

## ACT 126

H. B. NO. 344

A Bill for an Act Relating to an Appropriation for Cooperative Development Efforts Between the State and the Pacific Island Territories.

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

**SECTION 1. Findings and purpose.** (a) The legislature finds that (1) more benefit can be derived through cooperative economic projects in the development of fishing, tourism and oceanography, (2) the State's natural alliance in economic development endeavors is with the Pacific Territories, and (3) an agreement was signed by the Governors of Hawaii, Guam, American Samoa, and the High Commissioner of the Trust Territory in February 1970, to cooperatively undertake development efforts in fisheries development, tourism promotion, visitor facilities development and control, and marine activities and research.

(b) The purpose of this Act is to fund cooperative economic development projects in the areas of fisheries development, tourism promotion, visitor facilities development and control, and oceanographic activities between the State and American Samoa, Guam and the Trust Territory of the Pacific Islands.

**SECTION 2. Appropriation.** There is appropriated out of the general revenues of the State the sum of \$100,000, or so much thereof as may be necessary, to be expended by the department of planning and economic development for the purposes of this Act; provided, that this appropriation may be expended only after being matched by the other members of the Pacific Islands Development Commission.

**SECTION 3. Effective date.** This Act shall take effect upon its approval.  
(Approved May 28, 1971.)

## ACT 127

H. B. NO. 369

A Bill for an Act Relating to Reciprocity for Drivers' Licenses from other Jurisdictions.

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

**SECTION 1.** Section 286-102, Hawaii Revised Statutes, is amended by adding a new subsection to be designated and to read as follows:

“(d) No person shall receive a driver's license unless and until he surrenders to the examiner of drivers all valid driver's licenses in his possession issued to him by this or any other jurisdiction that is a party to the Driver License Compact. All such surrendered licenses issued by another jurisdiction shall be returned thereto, together with information that the person is licensed in this State. No such person shall be permitted to hold more than one valid driver's license at any time.”

**SECTION 2.** Section 286-105, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 286-105. What persons are exempt from license.** The following persons are exempt from license:

- (1) Any person while driving or operating a motor vehicle in the service or employ of any branch or agency of the federal government; provided he has received from such branch or agency a license or permit to so operate and drive the motor vehicle; and provided such branch or agency has been duly authorized by the federal government to issue license or permit;
- (2) Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway; provided that no person under the age of thirteen years shall be permitted to drive or operate any such road machine, farm tractor, or implement of husbandry on a highway.
- (3) Any nonresident who is at least twenty years of age who has in his possession a valid driver's license issued to him in his home state or the Dominion of Canada may if his home state or province is a party to the Driver License Compact, operate any category of motor vehicle for which the license is valid.

Any other nonresident who is at least twenty years of age who has in his possession a valid driver's license issued to him in his home state or the Dominion of Canada may, for a period of not more than ninety days, operate any category of motor vehicle for which the license is valid.

SECTION 3. Chapter 286, Hawaii Revised Statutes, is amended by amending sections 286-121 and 286-122 to read as follows:

**"Sec. 286-121. Suspending or revoking privileges of nonresident and reporting convictions, suspensions, and revocations.** (a) The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

(b) The examiner of drivers is further authorized, upon receiving a record of the conviction in this state of a nonresident for any motor vehicle offense, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

(c) When a nonresident's operating privilege is suspended or revoked, the examiner of drivers shall forward a certified copy of the record of such action to the motor vehicle administrator in the state wherein such person resides.

**Sec. 286-122. Suspension of a license; surrender.** (a) Every person whose license or driving privilege has been suspended pursuant to this part or any traffic law or regulation of the state or any county, shall surrender his license to the examiner of drivers or the court, as is appropriate, which agency shall take custody of the license during the period of suspension.

(b) The examiner of drivers may suspend or revoke the license of any resident of this state or the privilege of a non-resident to drive a motor vehicle in this state upon receiving notice of the conviction of that person in another state of an offense therein which, if committed in this State, would

be grounds for the suspension or revocation of the driver's license or privilege.

The examiner of drivers may give the same effect to conduct a resident in another state as is provided by the laws of this state had such conduct occurred in this state.

Any person whose license or driving privilege has been so suspended or revoked shall immediately return his license or permit to the examiner of drivers.

(c) Any resident or nonresident whose driver's license or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this chapter shall not operate a motor vehicle in this state under a license or permit issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter."

SECTION 4. The Driver License Compact is hereby enacted into law and entered into with all other jurisdictions legally joining herein in the form substantially as follows:

### **DRIVER LICENSE COMPACT**

#### **ARTICLE I—FINDINGS AND DECLARATION OF POLICY**

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

#### **ARTICLE II—DEFINITIONS**

As used in this compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power

## **ACT 127**

to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

### **ARTICLE III—REPORTS OF CONVICTION**

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

### **ARTICLE IV—EFFECT OF CONVICTION**

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this Article, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature, and the law of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this Article.

### **ARTICLE V—APPLICATIONS FOR NEW LICENSES**

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in

the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

#### **ARTICLE VI—APPLICABILITY OF OTHER LAWS**

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to the licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

#### **ARTICLE VII—COMPACT ADMINISTRATOR AND INTERCHANGE OF INFORMATION**

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

#### **ARTICLE VIII—ENTRY INTO FORCE AND WITHDRAWAL**

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the 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 party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this 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 party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

SECTION 5. (a) For the purpose of the Driver License Compact:

(1) "Licensing authority" means the examiner of drivers of each county.

(2) "Compact administrator" means the state highway safety coordinator.

(b) The licensing authority shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV, and V of the Compact.

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 7. This Act shall take effect on July 1, 1971.

(Approved May 28, 1971.)

ACT 128

H. B. NO. 379

A Bill for an Act Relating to Safety Glazing Material.

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

SECTION 1. A new part is added to Chapter 321, Hawaii Revised Statutes, to be appropriately numbered and to read as follows:

**PART SAFETY GLAZING OF GLASS**

**Sec. 321- Definitions.** In interpreting this part, the following words shall have the following meanings:

"Safety glazing material" means any glazing material such as tempered glass, laminated glass, wire glass or rigid plastic, which meets the test requirements of American National Standards Institute standard Z 97.1-1966 and such further requirements as may be adopted by the department of health after notice and hearing as required by chapter 91 and which are so constructed, treated, or combined with other materials as to minimize the likelihood of cutting and piercing injuries resulting from human contact with the glazing material.

'Hazardous locations' means those installations, glazed or to be glazed, in commercial and public buildings, known as framed or unframed glass entrance doors; and those installations, glazed or to be glazed, in residential

\* Edited accordingly.



buildings and other structures used as dwellings, commercial buildings, and public buildings, known as sliding glass doors, storm doors, shower doors, bathtub enclosures, and fixed glazed panels adjacent to entrance and exit doors which because of their location present a barrier in the normal path traveled by persons going into or out of these buildings, and because of their size and design may be mistaken as means of ingress or egress, and any other installation, glazed or to be glazed, wherein the use of other than safety glazing materials would constitute an unreasonable hazard as the director of health may determine after notice and hearings as required by chapter 91, whether or not the glazing in such doors, panels, enclosures and other installations is transparent.

**Sec. 321- Labeling required.**

(a) Each light of safety glazing material manufactured, distributed, imported, or sold for use in hazardous locations or installed in such a location within the State shall be permanently labeled by such means as etching, sand-blasting, firing of ceramic material on the safety glazing material, or by other suitable means. The label shall identify the labeler, whether manufacturer, fabricator or installer, and the nominal thickness and the type of safety glazing material and the fact that said material meets the test requirements of American National Standards Institute standard Z-97.1-1966 and such further requirements as may be adopted by the department of health. The label must be legible and visible after installation.

(b) Such safety glazing labeling shall not be used on other than safety glazing materials.

**“Sec. 321- Safety glazing materials required.** It shall be unlawful within the State to knowingly sell, fabricate, assemble, glaze, install, consent or cause to be installed glazing materials other than safety glazing materials in, or for use in, any hazardous location.

**“Sec. 321- Employees not covered.** No liability under this chapter shall be created as to workmen who are employees for a contractor, subcontractor, or other employer responsible for compliance with this chapter.

**“Sec. 321- Penalty.** Whoever violates the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$1,000, or imprisoned not more than one year, or both.

**“Sec. 321- Local ordinances.** This chapter shall supersede any local, municipal or county ordinance or parts thereof relating to the subject matter hereof, except where the director of the department of health approves such ordinance or parts thereof as meeting the intent of this chapter.

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

(Approved May 28, 1971.)

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

SECTION 1. Section 401-11, Hawaii Revised Statutes, is amended to read:

**"Sec. 401-11 Semiannual and special reports; publication; penalty.** Every bank, trust company, building and loan association, fiduciary company, industrial loan and investment company, or licensee under chapter 409 shall submit to the bank examiner semiannual reports as of June 30 and December 31. The reports shall be filed within thirty days after these dates; provided, that the bank examiner may, for good cause shown, grant a reasonable extension of not more than forty-five days for making and filing such report. The reports shall be made in the form prescribed by the bank examiner and shall show the assets and liabilities, all losses sustained, expenses and taxes paid, gross earnings and profits, losses recovered since last reported, payments made by stockholders, and all amounts carried to surplus, undivided profits, or dividends paid.

"Every such bank, association, licensee, or company shall furnish to the bank examiner any special or supplementary reports, covering all or any of the items or matters or classes thereof which are or might be required to be covered by a semiannual report, in such form, at such time or times, and within such reasonable period or periods after request therefor, as the bank examiner deems necessary or expedient in the interest of the public and requires in writing.

"Every bank, trust company, building and loan association, fiduciary company, or industrial loan and investment company shall publish in the English language on or before the last Monday of January and July in every year, a statement of its assets and liabilities as of December 31 and June 30, respectively, in a form prescribed by the bank examiner, or as soon thereafter as circumstances will permit.

"Failure of any bank, banker, trust company, building and loan association, fiduciary company, industrial loan and investment company, or licensee under chapter 409 to make and submit any of the reports required by this section shall subject the bank, banker, company, association, or licensee to a penalty of \$10 for each day the reports are delayed beyond the time allowed by this section."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved May 28, 1971.)

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\* Edited accordingly.

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

SECTION 1. Section 442-6, Hawaii Revised Statutes, is amended to read:

“**§442-6 Examinations.** The board of chiropractic examiners shall meet as a board of examiners for the purpose of conducting examinations on the first Tuesday following the second Monday of April and October of each year, and the board shall meet otherwise regularly on the Thursday nearest the 15th day of March, May, September, and November, and at such other times and places as may be found necessary for the performance of its duties. The office of the board shall be in Honolulu.

“Each applicant shall be designated by a number instead of the name, so that his identity will not be disclosed to the examiners until the papers are graded.

“All examinations shall be in writing, except in cases herein otherwise prescribed, and shall be practical in character, as taught in chiropractic schools or colleges, and designed to ascertain the fitness of the applicant to practice chiropractic. The examinations shall be in the subjects enumerated in section 442-2. A license shall be granted to any applicant who makes a general average of seventy-five per cent, and does not fall below sixty per cent in more than two subjects or branches of the examination. Any applicant failing to make the required grade, may be reexamined at the next regular examination on all of the subjects mentioned in section 442-2, upon payment of a fee of \$25. For each year of actual practice since graduation the applicant shall be given a credit of one per cent on the general average.

“The board may grant a license to an applicant who has passed the national board of chiropractic examiners’ examination, which examination may be accepted in lieu of the examination provided for herein.”

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

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

(Approved May 28, 1971.)

ACT 131

H. B. NO. 581

A Bill for an Act Relating to the Qualifications for License as a Pharmacist.

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

SECTION 1. Section 461-5, Hawaii Revised Statutes, is amended to read:

“**Section 461-5. Qualifications for license.** Any applicant for a license as a pharmacist shall be at least twenty years of age, of good moral character

\* Edited accordingly.

and temperate habits, and a graduate of a school or college of pharmacy or department of a university, which school or college or department is recognized and approved by the American Council of Pharmaceutical Education. He shall file proof satisfactory to the board of pharmacy of a minimum of one year of practical experience in any state of the United States in a pharmacy under the supervision of a registered pharmacist, and he shall pass an examination to be given by the board. Service and experience in a pharmacy under the supervision of a registered pharmacist as required in this section shall be predominantly related to the selling of drugs, compounding prescriptions, preparing pharmaceutical preparations, and keeping records and making reports required under state and federal statutes.

Any registered pharmacist of any state or territory of the United States who has practiced pharmacy there for two years or more shall be eligible to take the examination if he is of good moral character and temperate habits.

Every applicant must have been a resident of the State for at least one year immediately preceding the granting of a permanent license.

In the event an applicant has no practical experience as required, he may take the examination and upon passing the same, he shall not receive his license until after the fulfillment of the practical experience required."

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

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

(Approved May 28, 1971.)

## ACT 132

H. B. NO. 611

A Bill for an Act Establishing a Revolving Fund for the Advance Acquisition of Properties for Highways and Authorizing Withdrawals from the State Highway Fund therefor.

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

SECTION 1. The purpose of this Act is to provide funds for the acquisition of real property for highway projects which have been authorized by the legislature but for which adequate appropriations have not been made. These funds are to be expended only when it is determined by the director of transportation that the real property is necessary for the project, that appropriations for the highway project are inadequate, and that because of the imminence of the development of the land by the owner or the rezoning thereof, any delay in the acquisition of the property will increase the cost of the acquisition and thereby the cost of the highway project.

SECTION 2. Chapter 264, Hawaii Revised Statutes, is amended by adding the following section to be appropriately designated and to read:

**"Sec. 264- Highway advance acquisition revolving fund.** There is established the 'highway advance acquisition revolving fund' which shall be administered by the director of transportation. The director may, with the approval of the governor, expend from the fund such sums as are necessary

for the acquisition of real property when he determines that the acquisition of the real property is necessary for a State highway project that is authorized by the legislature, that funds previously authorized by the legislature are inadequate therefor and that any delay in the acquisition of such property would unnecessarily increase the cost of the highway project; provided, however, that the selected corridor and alignment of the project shall have been approved by the governor. Expenditures from the fund shall be made on vouchers approved by the director or such other officer as may be designated by the director.

All moneys received from the rental, sale or lease of any property acquired through the use of this fund shall be paid into the fund; provided, that, whenever federal funds are involved in the acquisition of the property, any money received from the sale, lease or rental of such property shall be credited to the account of the project for which the property was acquired.

Sums expended from the fund for a particular highway project shall be reimbursed or restored to the fund out of moneys subsequently appropriated or made available for that project. The director shall repay any loans made to the fund from the general fund, any special fund and any other revolving fund as soon as moneys become available therefor.

The director of Transportation may make loans from time to time from the State highway fund to the fund such sums of money not otherwise appropriated or required to meet the obligations of section 248-9 and 36-28.

The director of finance may make loans from the general, special and revolving funds of the State for deposit into the fund when he determines that there are moneys in said general, special and revolving funds which are in excess of the amounts necessary for meeting the immediate requirements thereof, and that the action will not impede or hamper the financial operations of the general, special or revolving funds from which moneys are to be advanced or loaned.

Any loans made to the fund may provide for interest at a rate not less than that which could have been realized had the funds been invested in time certificates of deposit."

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

(Approved May 28, 1971.)

ACT 133

H. B. NO. 623

A Bill for an Act Relating to the Width, Height and Length of Vehicles on Public Highways.

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

SECTION 1. Section 291-34, Hawaii Revised Statutes, is amended to read:

**"Sec. 291-34 Size of vehicles; width, height, and length.** (a) Width. No motor vehicle or other power vehicle having an overall width greater than nine feet, including load, shall be operated or moved upon any public road, street, or highway within the State, except as hereinafter provided.

(b) Height. No motor vehicle or other power vehicle having an overall height greater than thirteen and one-half feet, including load, shall be operated or moved upon any public road, street, or highway within the State except as hereinafter provided; and provided further, that no motor vehicle or other power vehicle shall be operated under or through any bridge or other highway structure if the height of the motor vehicle or other power vehicle exceeds the posted height for the bridge or other highway structure.

(c) Length:

- (1) No single motor vehicle or other power vehicle having a total overall length greater than forty feet, including load, shall be operated or moved upon any public road, street, or highway within the State, except as hereinafter provided.
- (2) No truck-tractor and semitrailer having a total overall length greater than fifty-five feet, including load, shall be operated or moved upon any public road, street, or highway within the State, except as hereinafter provided.
- (3) No combination of motor vehicles or other power vehicles coupled together shall consist of more than two units and no such combination of vehicles having a total overall length greater than sixty-five feet, including load, shall be operated or moved upon any public road, street, or highway within the State, except as hereinafter provided. A truck-tractor and semitrailer shall be regarded as a single unit when determining the number of units in a combination.
- (4) No motor vehicle, self-propelled construction or farm equipment, trailer or semitrailer shall be operated upon any public road, street or highway within the State if it is carrying or otherwise has projecting to the front or rear, a load, boom, mast or other projecting structure or attachment unless:
  - (A) With respect to self-propelled construction or farm equipment,
    - (i) the length of the equipment measured on a horizontal axis, including the projection, is less than 40 feet;
    - (ii) the projection is either held securely in place or is controlled by the driver or an operator;
    - (iii) the projection does not obstruct the driver's vision;
    - (iv) the projection does not impair the driver's ability to control the equipment;
    - (v) the projection beyond the front tires is at least seven feet above the roadway surface;
    - (vi) the projection does not extend more than four feet past the extremity of the piece of equipment, or if it extends more than four feet, an escort vehicle is provided by the owner or operator either to the front or to the rear of the projection to call attention to the projection; or
  - (B) With respect to a motor vehicle, or a motor vehicle with attached trailer or semitrailer,
    - (i) the overall length of the motor vehicle including the projection, is less than 40 feet or the overall length of the motor vehicle with attached trailer or semitrailer, including the pro-

- jection, is less than 55 feet;
- (ii) the projection is either held securely in place or is controlled by the driver or an operator;
  - (iii) the projection does not obstruct the driver's vision;
  - (iv) the projection does not impair the driver's ability to control the equipment;
  - (v) the projection beyond the front tires is at least seven feet above the roadway surface;
  - (vi) the projection does not extend more than four feet past the extremity of the trailer or semitrailer, or, if it extends more than four feet, an escort vehicle is provided by the owner or operator either to the front or to the rear of the projection to call attention to the projection.
- (5) The foregoing limitations upon length shall not apply to vehicles transporting pipe, poles, timbers, reinforcing steel, structural steel, or other objects of a structural nature which cannot be readily dismembered; provided, that when transported by night every such vehicle shall be equipped with a sufficient number of clearance lamps upon the extreme ends of any projecting load to clearly mark the the dimensions of the load."

SECTION 2. Section 291-36, Hawaii Revised Statutes, is amended to read:

**"Sec. 291-36 Exceptions.** (a) The director of transportation, in the case of state highways, or the county engineer in the case of county roads, may upon application in writing, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles, self-propelled construction or farm equipment or special mobile equipment of dimensions or weights, including loads or both, which exceed the limits set in sections 291-34 and 291-35.

(b) The application for any such permit shall specifically describe the vehicle or combination of vehicles, the self-propelled construction or farm equipment, the load to be operated or moved, the particular highways over which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

(c) The director of transportation or county engineer may if he determines that adequate precautions will be taken to protect persons and property issue the permit and may in the permit limit the number of trips, establish seasonal or other time limitations during which the permit is valid, prescribe conditions as to route, equipment, speed, escort vehicles, safety measures, or otherwise limit or prescribe conditions of operation under such permit to assure against injury to person and undue damage to the road foundations, surfaces, or structures. The issuing authority may also require such undertaking or other security as may be deemed necessary to protect the highways and bridges from damage, or to provide indemnity for any injury resulting from such operation. The permit shall be valid for the period specified or unless sooner revoked by the issuing authority.

(d) Every such permit shall be carried in the vehicle or combination of

## ACT 134

vehicles or the self-propelled construction or farm equipment to which it refers and shall be open to inspection of any peace officer or traffic officer or employee charged with the care or protection of the highways.

(e) The owner of any vehicle or combination of vehicles or self-propelled construction or farm equipment found operating in violation of the terms or conditions of any permit or over sections of the highway not covered by the permit shall be subject to the penalties provided in section 291-37.

(f) The restrictions of sections 291-34 and 291-35 shall not apply to the operation of motor vehicles on roads now under the control of the counties where a private individual or corporation actually maintains the county road or roads under an agreement in writing filed with the respective county or city council. The agreement shall also provide that the individual or corporation shall repair all damages caused to such roads by vehicles or other self-propelled equipment belonging to or under the control of the individual or corporation and upon failure of the individual or corporation to repair such road or roads as provided in such agreement, the county may repair such damages and charge the cost thereof to and collect the same from the individual or corporation.

(g) Nothing in this chapter shall prevent motor vehicles with a width of greater than nine feet, including load, from crossing any public road, street, or highway within the State.

(h) No provision herein shall be so construed as to prevent the passage of ordinances by any county which impose restrictions more severe in nature."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved May 28, 1971.)

## ACT 134

H. B. NO. 726

A Bill for an Act Making an Appropriation for the Planning and Construction of Bikeways on Oahu.

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

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$25,000, or so much thereof as may be necessary, for the planning and construction of bikeways on the island of Oahu.

SECTION 2. The sum appropriated shall be expended by the department of transportation for the purposes of this Act.

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

(Approved May 28, 1971.)

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\* Edited accordingly.



## ACT 135

H. B. NO. 1231

A Bill for an Act Amending Section 346-1, Hawaii Revised Statutes, Relating to Public Assistance for Medical Care.

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

Section 1. **Purpose.** The purpose of this Act is to explicitly include the diagnosis, care, treatment and rehabilitation of mentally ill persons within the meaning of "medical care," as defined in Section 346-1, Hawaii Revised Statutes, for the purpose of receiving grants-in-aid or outright grants as permissible under Title XIX of the federal Social Security Act and federal rules and regulations relating thereto.

Section 2. **Redefinition of "Medical Care."** The last paragraph of Section 346-1, Hawaii Revised Statutes, is amended to read as follows:

"Medical Care' means all kinds of medical care, psychiatric care, dental care, and maternity care, including surgical care, hospital care, eye care (which includes optical appliances), materials, supplies, and all other appliances used in the care, treatment and rehabilitation of patients, and hospitalization."

Section 3. **Effective Date.** This Act shall take effect upon its approval.

(Approved May 28, 1971.)

## ACT 136

H. B. NO. 1556

A Bill for an Act Relating to Activities of Certain Charitable Organization.

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

SECTION 1. Chapter 554, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"Sec. 554- . Charitable trust; administration.**

"(a) In the administration of any trust which is a 'private foundation' as defined in section 509 of the Code or to which section 4947 of the Code applies, the following shall be prohibited:

"(i) engaging in any act of 'self-dealing' (as defined in section 4941(d) of the Code);

"(ii) retaining any 'excess business holdings' (as defined in section 4943(c) of the Code);

"(iii) making any investments in such manner as to subject it to tax under section 4944 of the Code; and

"(iv) making any 'taxable expenditures' (as defined in section 4945(d) of the Code);

provided, however, that this subsection (a) shall not apply to such amounts of any trust to which section 4947(a) (2) of the Code applies as are described in the second sentence of said section and items (ii) and (iii) of this subsection (a) shall not apply to any trust to which said section 4947(a) (2) applies which is described in section 4947(b)(3) of the Code.

"(b) In the administration of any trust which is a 'private foundation'

as defined in section 509 of the Code or a 'charitable trust' as defined in section 4947(a) (1) of the Code, there shall be distributed, and the trustee or trustees shall be empowered and authorized to distribute, for the purposes specified in the trust instrument, such amounts at such time and in such manner as shall be required so as not to subject it to tax under section 4942 of the Code.

"(c) Nothing in this Act shall impair the rights and powers of the courts or the attorney general of this State with respect to any trust.

"(d) References in this section to sections of the Code are to sections of the Internal Revenue Code of 1954, as heretofore amended, and shall include future amendments to such sections and corresponding provisions of future Internal Revenue laws."

SECTION 2. Section 416-21, Hawaii Revised Statutes, is amended to read as follows:

**"Section 416-21. Powers prohibited for non-profit corporations.**

"(a) In general. No nonprofit corporation shall have or issue shares of stock and no dividends shall be paid and no part of the income of such corporation shall be distributed to its members, directors, or officers, except upon the liquidation of the property of the corporation in case of corporate dissolution. A nonprofit corporation may pay compensation in a reasonable amount to its members, directors, or officers, for services rendered, and may confer benefits upon its members in conformity with its purposes. No loans shall be made by a nonprofit corporation to its directors or officers. The directors of a nonprofit corporation who vote for or assent to the making of a loan to a director or officer of the corporation, and any officer or officers participating in the making of the loan, shall be jointly and severally liable to the corporation for the amount of the loan until the repayment thereof.

"(b) Special requirements for private foundations.

"(1) No nonprofit corporation which is a 'private foundation' as defined in section 509(a) of the Code shall

"(i) engage in any act of 'self-dealing' (as defined in section 4941(d) of the Code);

"(ii) retain any 'excess business holdings' (as defined in section 4943(c) of the Code);

"(iii) make any investments in such manner as to subject it to tax under section 4944 of the Code; and

"(iv) make any 'taxable expenditures' (as defined in section 4945(d) of the Code).

"(2) Each nonprofit corporation which is a 'private foundation' as defined in section 509 of the Code shall distribute, for the purposes specified in its charter of incorporation, such amounts at such time and in such manner as shall be required so as not to subject it to tax under section 4942 of the Code.

"(3) Nothing in this act shall impair the rights and powers of the courts or the attorney general or the director of regulatory agencies of this State with respect to any corporation.

"(4) References in this subsection to sections of the Code are to sec-

tions of the Internal Revenue Code of 1954, as heretofore amended, and shall include future amendments to such sections and corresponding provisions of future Internal Revenue laws.”

SECTION 3. This Act shall take effect upon its approval and shall apply to all trusts and nonprofit corporations in existence on the effective date or coming into existence after the effective date.

(Approved May 28, 1971.)

## ACT 137

S. B. NO. 254

A Bill for an Act Relating to Certain Requirements of the Motor Vehicle Industry Licensing Act as Applied to Certain Business Dealing Principally in Motorcycles and Motor Scooters.

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

SECTION 1. Section 437-21.1, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Manufacturer, factory branch, factory representative, distributor, distributor branch, distributor representative. Each manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative engaged in the business of manufacturing, distributing, or selling new motor vehicles in this State shall furnish and maintain a surety bond in the penal sum of \$100,000 guaranteeing compliance by the principal with this chapter and the rules and regulations enacted thereunder and protecting the treasurer, the dealers, and the general public from any loss or damage resulting from the violation of any provision of this chapter or any rule or regulation enacted thereunder; provided that a factory branch, factory representative, distributor, distributor representative need not furnish separate bonds if the manufacturer or distributor it represents has filed the bond required hereunder and the factory branch, factory representative, distributor, distributor branch, or distributor representative is named as a principal therein; and provided further that for a factory branch, factory representative, distributor, distributor branch, or distributor representative licensed under this chapter with respect to the business of dealing only with motorcycles and motor scooters and which is not named as a principal by the manufacturer or distributor it represents, the bond shall be only in the amount of \$10,000.

Suit on bonds shall be allowed under the same terms and conditions provided for a dealer’s bond in section 437-17(d). Nothing contained in this section shall prohibit or prevent an independent action against the licensee in violation as aforesaid and any other person from being joined or consolidated with an action on the bond and the recovery of a larger amount than the amount of the bond.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need

not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 28, 1971.)

A Bill for an Act Relating to Duties of the Director of Regulatory Agencies in Supervising Cable Television Systems.

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

SECTION 1. Section 440G-12, Hawaii Revised Statutes, is amended to read:

**Section 440G-12 Other duties of director; suit to enforce chapter.** (a) The director has the power and jurisdiction to supervise and regulate every CATV company operating within this State so far as may be necessary to carry out the purposes of this chapter, and to do all things which are necessary or convenient in the exercise of this power and jurisdiction. The director may promulgate, pursuant to chapter 91, such rules and regulations as are necessary to carry out this chapter, including rules and regulations establishing criteria which:

- (1) Categorize CATV companies according to their method of operation or any other appropriate criteria;
- (2) Identify general requirements for the designation of service area; and
- (3) Govern the quality of the signal required to be transmitted by the CATV system.

(b) The director may approve or disapprove, as the public interest may require, all provisions of contracts or other agreements between CATV companies and public utilities concerning the use of the equipment of the public utility by the CATV company, except for those matters which are regulated by the public utilities commission or by the Federal Communications Commission.

(c) The director or a member of his department may from time to time visit the places of business and other premises and examine the records and facilities of all CATV companies to ascertain if all rules, regulations, and orders of the director have been complied with, and shall have the power to examine all officers, agents, and employees of such CATV companies, and all other persons, under oath, and to compel the production of papers and the attendance of witnesses to obtain the information necessary for administering this chapter.

(d) The director may appoint or contract for such assistants and such clerical, stenographic, and other staff as may be necessary for the proper administration and enforcement of this chapter, subject to chapters 76 and 77.

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\* Edited accordingly.

(e) The director shall have the power and authority to institute all proceedings and investigations, hear all complaints, issue all process and orders, and render all decisions necessary to enforce this chapter or the rules, regulations, and orders adopted thereunder, or to otherwise accomplish the purposes of this chapter.

(f) The director or other aggrieved party shall have the right to institute, or to intervene as a party in, any action in any court of law seeking a mandamus, or injunctive or other relief to compel compliance with this chapter, or any rule, regulation, or order adopted thereunder, or to restrain or otherwise prevent or prohibit any illegal or unauthorized conduct in connection therewith.

SECTION 2. All assistants and clerical, stenographic, and other staff appointed on a full-time basis pursuant to section 440G-12(d), Hawaii Revised Statutes, up to the effective date of this Act shall become civil service employees without the loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges, and without the necessity of examination.

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved May 28, 1971.)

## ACT 139

S. B. NO. 769

A Bill for an Act Relating to Medical Records and Custodians thereof in Actions for Personal Injury.

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

SECTION 1. Chapter 622, Hawaii Revised Statutes, is amended by adding thereto a new part to be appropriately numbered and to read as follows:

### **"PART . MEDICAL RECORDS**

**Sec. 622- Definitions.** As used in this part:

- (1) 'Medical records' mean records of patients kept by a medical facility.
- (2) 'Medical facility' means a hospital operated by a public entity, a hospital licensed under chapter 321, the office of a medical group practice, a licensed physician's office, or any other type of facility where medical records relating to the care or treatment of a patient are kept.

**Sec. 622- Subpoena duces tecum for medical records, compliance.**

- (a) Except as provided in section 622- , whenever a subpoena duces tecum

\* Edited accordingly.

is served upon the custodian of medical records or other qualified witness from a medical facility, in an action for personal injuries in which the custodian or his employer is neither a party to the cause of action nor is it alleged that the cause of action had arisen at the medical facility, and such subpoena requires the production in court of all or any part of the medical records of a patient who is or has been cared for or treated at the medical facility, it shall be sufficient compliance therewith if the custodian or other qualified witness within five days after receipt of such subpoena, delivers by registered or certified mail or by messenger a true and correct copy (which may be by any method described in section 622-3) of all the medical records described in such subpoena to the clerk of the court or his deputy authorized to issue it, together with the affidavit described in section 622-

(b) The copy of the medical records shall be separately enclosed in an inner envelope or wrapper, sealed, with the title and number of the action, name of the custodian or other qualified witness, and date of the subpoena clearly inscribed thereon; the sealed envelope or wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and directed as follows:

- (1) If the subpoena directs attendance in court, to the clerk of such court or his deputy authorized to issue it.
- (2) In other cases, to the officer, board, commission, or tribunal conducting the hearing, at a like address.

(c) The copy of the medical records shall remain sealed and shall be opened only at the time of trial, or other hearing, upon the direction of the judge, officer, board, commission, or tribunal conducting the proceeding, in the presence of all parties who have appeared in person or by counsel at such trial, or hearing, unless the parties or counsel in the proceeding otherwise agree, or unless the sealed envelope or wrapper is returned to the custodian or other qualified witness who is to appear personally. Copies of medical record which are not introduced in evidence or required as part of the record shall be returned by registered or certified mail or by messenger to the person or entity from whom received. If the copies of the medical records are introduced in evidence or are required as part of the record, they shall be returned by registered or certified mail or messenger to the person or entity from whom received as soon as their use is no longer needed, after the trial, or other hearing.

**Sec. 622- Affidavit accompanying medical records.** (a) The medical records shall be accompanied by the affidavit of the custodian or other qualified witness, stating in substance each of the following:

- (1) That the affiant is the duly authorized custodian of the medical records and has authority to certify the medical records.
  - (2) That the copy is a true copy of all the medical records described in the subpoena.
  - (3) That the medical records were prepared by the personnel of the medical facility, staff physicians, or persons acting under the control of either, in the regular course of business at or near the time of the act, condition, or event.
- (b) The affidavit shall be notarized by a notary public, who may be the

custodian of the medical records; except where the custodian or his employer is a party to the cause of action or the medical facility is the place where the cause of action is alleged to have arisen and for which the subpoena duces tecum is being served.

(c) If none of the medical records described in the subpoena, or only a part thereof, are available the custodian shall so state in the affidavit, and deliver the affidavit and such medical records as are available in the manner provided in section 622-

**Sec. 622- Admissibility of affidavit and copy of the medical records.**

A copy of the medical records is admissible in evidence to the same extent as though the original thereof were offered and the custodian had been present and testified to the matters stated in the affidavit. The affidavit is admissible as competent evidence of the matters stated therein pursuant to section 622- and the matters so stated are presumed true and sufficient compliance with section 622-5, unless the side opposing the introduction requires the presence of the custodian or original records in accordance with Sec. 622- below. When more than one person has knowledge of the facts, more than one affidavit may be made. The presumption established above by this section is a presumption affecting the burden of producing evidence and may be rebutted by the side opposing the introduction of the evidence.

**Sec. 622- Personal attendance of custodian; production of original medical records.** The personal attendance of the custodian or other qualified witness, and the production of the original medical records shall be required if the subpoena duces tecum contains a clause which reads substantially as follows: "The personal attendance of the custodian or other qualified witness, and the production of the original medical records is required by this subpoena; the procedure authorized pursuant to Part , Chapter 622, Hawaii Revised Statutes, not being deemed sufficient under the circumstances in this matter."

**Sec. 622- Fees; service of more than one subpoena.** (a) All copies of medical records requested under this part shall be paid for by the person, board, commission, or tribunal requesting such records. The cost shall be based on the actual cost of preparation.

(b) This part shall not be deemed to require the tender of more than one witness or mileage fee required by section 621-3, unless there is an agreement to the contrary.

(c) If more than one subpoena duces tecum is served upon the custodian or other qualified witness from a medical facility and the personal attendance of that person is required pursuant to section 622- , the witness shall be deemed to be the witness of the party serving the first subpoena.

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

(Approved May 28, 1971.)

## ACT 141

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

SECTION 1. Section 296-45, Hawaii Revised Statutes, is amended to read:

**“Section 296-45 Transportation of school children.** The department of education may provide suitable transportation to and from school and for educational field trips for all children in grades kindergarten to twelve and in special education classes. The department shall adopt such policy, procedure, and program as it deems necessary to provide suitable transportation. In formulating the policy, procedure, and program, the department shall consider the school district, the school attendance area in which a school child normally resides, the distance the school child lives from the school, the availability of public carriers or other means of transportation, the frequency, regularity, and availability of public transportation, and the grade level, physical handicap, or special learning disability of a school child, and it may also consider such conditions and circumstances unique or peculiar to a county or area.

The department shall, in the manner provided in chapter 91, promulgate rules and regulations governing the supervision and administration of the transportation of school children under sections 296-45 and 296-46.”

SECTION 2. Statutory material to be added is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

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

(Approved May 28, 1971.)

## ACT 141

S. B. NO. 1314

A Bill for an Act Pertaining to Revenue Producing Undertakings for Educational Institutions.

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

SECTION 1. Chapter 306, Hawaii Revised Statutes, is amended in the following respects:

a. By amending SECTION 306-1 to arrange the definitions in alphabetical order and to read:

**“SEC. 306-1. Definitions.** Whenever used in this chapter:

‘Board’ or ‘board of regents’ means the board of regents of the University of Hawaii, which, for the purposes of this chapter, is declared to be a political corporation within the meaning of that term as used in section 562(d) of title 48 of the United States Code.

‘Construction’ includes acquisition, purchase, construction, reconstruction, remodeling, renovation, improvement, betterment, and extension; ‘con-

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\* Edited accordingly.



struct' includes acquire, purchase, construct, reconstruct, remodel, renovate, improve, better and extend.

'Cost of construction' includes all costs and estimated costs of the preparation and issuance of revenue bonds and the obtaining of a loan, and all costs and estimated costs of construction of a university project, and without limiting the foregoing, includes engineering, architectural, supervisory, inspectional, fiscal, and legal expenses; interest which it is estimated will accrue during the construction period and for six months thereafter on money obtained by loan or through the issuance of revenue bonds, or both; amounts necessary to establish or increase reserves; costs of utilities, equipment, fixtures and apparatus necessary or convenient for the use and occupancy of the university project and, if so determined by the board, the initial furnishings of the university project.

'Cost of maintenance' includes all costs and estimated costs of the maintenance of a university project or university system, and without limiting the foregoing, includes all salaries, wages, and fees of officers, employees, and contractors of the board engaged in the maintenance of a university project or university system, the cost of all supplies and equipment, and all operational and administrative expenses.

'Maintenance' includes repairs, upkeep, replacement, renewals, maintenance, operation and administration; 'maintain' includes repair, keep up, replace, renew, maintain, operate and administer.

'Reserves' means reserves required or permitted in the covenants in the resolution or resolutions of the board authorizing the obtaining of loans or issuance of revenue bonds under this chapter.

'Revenue bonds' mean revenue bonds, interim certificates, notes, debentures, or other evidence of indebtedness of the board authorized by or issued under this chapter.

'Revenue of the university' means all revenues of whatever nature received by the university, or which it is entitled to receive, other than (1) general appropriations, (2) taxes, (3) tuition fees, and (4) gifts the terms of which preclude their being used for payment of the cost of construction, cost of maintenance, or both, of a university project or university system.

'Revenue of the university project or university system' means all revenues derived from the rentals, fees and charges imposed for the use or enjoyment of or the services furnished by a particular university project or university system, as the case may be.

'University' means and includes the University of Hawaii, each community college established and governed by the board pursuant to chapter 305, Hawaii Revised Statutes, and any and every other educational institution now or hereafter under the control of or governed by the board.

'University athletic unit' means athletic facilities of every nature devoted either exclusively to use by the university, including its students, faculties, guests, employees, and their families, or both to university and non-university uses, for the enjoyment or utilization of, or for the privilege of observance of athletic contests or exhibitions conducted in or by means of, which facilities a fee is imposed or a charge made. A university athletic unit includes, but is not limited to, gymnasium, field house, stadium,

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playing field, baseball diamond, courts suitable for tennis, volleyball, and basketball, swimming and diving pools.

'University dining unit' means a structure or facility suitable for the feeding and boarding of students enrolled in the university, members of the faculties of the university, guests, employees of the university, and members of the families of any such persons, for the use and services of which a fee is imposed or charge made. A university dining unit may be a separate structure or structures or included in another university project.

'University health unit' means a facility for the treatment, diagnosing or prevention of illness of students enrolled in the university, members of the faculties of the university, persons temporarily visiting the university, employees of the university, and members of the families of any such persons, for the use and services of which a fee is imposed or charge made. A university health center includes, but is not limited to, health centers, infirmaries and clinics, and may be a separate structure or structures or included in another university project.

'University housing unit' means a structure or structures suitable for the housing of and use and occupancy as a dwelling by students enrolled in the university, members of the faculties of the university, persons temporarily visiting the university at the invitation or request of the board, employees of the university, and members of the families of any such persons, for the use and occupancy of which a fee or rent is charged. A university housing unit includes, but is not limited to, dormitories, apartments, and other multiple unit buildings, houses and other single unit buildings.

'University parking unit' means a facility for the parking or storage, or both, of vehicles owned or used by students enrolled in the university, members of the faculties of the university, persons temporarily visiting the university, employees of the university, and members of the families of any such person, for the use, services or occupancy of which a fee is imposed or charge made. A university parking unit includes, but is not limited to, parking spaces on streets, alleys, drives and other roadways under the jurisdiction of the board, paved or unpaved surface areas or lots, and subsurface, surface or above surface structure or structures, and may be a separate structure or structures or included in another university project.

'University project' means a university athletic unit, university dining unit, university health unit, university housing unit, university parking unit, university student center, and any other undertaking or improvement capable of producing a revenue constructed, maintained, or both, by the board, as furtherance of the purposes of the university, and for the use and services of which fees are imposed or charges made. A university project shall include, but not be limited to, all land, fixtures, appurtenances, improvements, utilities, equipment, and furnishings necessary or convenient for the use and occupancy of a university project for the purposes for which it was constructed or is used. A university project shall be a public improvement or public undertaking within the meaning of section 562(d) of title 48 of the United States Code.

'University student center' means a structure or structures suitable for student activities or endeavors, such as, but not limited to, meetings, organizations, publications, and recreation, for the use and services of which a fee is

imposed or a charge made. A university student center includes, but is not limited to, student unions, bookstores and snack bars, and may be a separate structure or structures or included in another university project.

‘University system’ means two or more university projects operated and maintained jointly as a system. A university system may include various university projects on any one or more of the areas under the jurisdiction of the board and may include university projects of any one or more of the educational institutions under the control of or governed by the board, including the university of Hawaii.”

b. By amending SECTION 306-2 to read:

“**SEC. 306-2 Powers of the board.** In addition to the powers which it now possesses, the board of regents shall have power to:

- (1) Construct and maintain university projects, including a university project included or to be in a university system;
- (2) Combine two or more university projects, now or hereafter existing on any one or more of the areas of any one or more of the educational institutions under the control of or governed by the board, into a university system or systems, and to maintain such system or systems;
- (3) Prescribe and collect rents, fees and charges for the use of or services furnished by any university project or the facilities thereof;
- (4) With the approval of the governor, issue revenue bonds, to finance in whole or in part the cost of construction, or maintenance, or both, of any university project, including a university project included or to be included in a university system;
- (5) Pledge to the punctual payment of such revenue bonds and interest thereon, the revenue of the university project or projects for the construction or maintenance of which the bonds have been issued, or the revenue of the university system in which such university project is to be included, and the revenue of other or all university projects or university systems, in an amount sufficient to pay such bonds and interest as the same become due and to create and maintain reasonable reserves therefor;
- (6) Advance such moneys of the university, not otherwise required, as are necessary to pay the expenses incurred in making the preparations for the initial issuance of revenue bonds under this chapter, and to take any other action necessary or proper for carrying into execution and administering this chapter, including providing for the full utilization of university projects and university systems in every way conducive to the furtherance of any or all of the purposes of the university.”

c. By amending SECTION 306-3 to read:

“**SEC. 306-3. Authorization of University projects, university systems and revenue bonds.** Authorization of construction, maintenance, or both of a university project or projects or university system or systems, and authorization for issuance of revenue bonds under this chapter shall be by resolution or resolutions of the board of regents. The resolution may be adopted at the same meeting at which it is introduced by a majority of all the members of the

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board then in office and shall take effect immediately upon adoption.”

d. By amending SECTION 306-4 to read:

“**SEC. 306-4. Revenue bonds.** Revenue bonds shall be issued in the name of the board of regents, may be in one or more series, may be in such denomination or denominations, may bear such date or dates, may mature at such time or times not exceeding fifty years from their respective dates, may be payable at such place or places within or without the State, may carry such registration privileges as to principal alone or as to both principal and interest, may be subject to such terms or redemption with or without premium, may be executed in such manner, and may contain such terms, covenants, and conditions, and may be in such form, either coupon or registered with privilege of exchange from one form to another, as the resolution authorizing the issuance of the bonds, or subsequent resolutions may provide.

Revenue bonds may be sold at private sale to the United States, or any agency, instrumentality, or corporation thereof, to the State or any political subdivision, agency, instrumentality, or corporation thereof, or to any person or group of persons offering to purchase all of a major portion of a particular issue or series. Unless sold at private sale as herein provided, revenue bonds shall be sold at public sale after publication of a notice of such sale at least once, the date of publication to be at least five days prior to the date of the sale, and the publication shall be made in a newspaper published and of general circulation in the State and in a financial newspaper published in either of the cities of New York, Chicago, or San Francisco. The revenue bonds shall be sold for not less than 98 per cent of the principal amount thereof. Pending the preparation of definitive revenue bonds, interim receipts or temporary bonds may be issued and delivered to the purchasers of the bonds in such form and containing such provisions as the board may determine. Revenue bonds, interim receipts, and temporary bonds shall be fully negotiable within the meaning of and for all the purposes of the Uniform Commercial Code, chapter 490.

It shall be legal for the State and any of its political subdivisions, or any political or public corporation, including the employees retirement system of the State, or any instrumentality of the State, or any insurance company or building and loan association, or any savings bank or trust company, or any bank or other financial institution operating under the laws of this State, or for any executor, administrator, guardian, trustee or other fiduciary, or any educational, charitable, or eleemosynary institution, to invest their funds, and moneys in their custody in revenue bonds issued under this chapter.”

e. By amending Section 306-5 to read:

“**SEC. 306-5 Covenants in resolution authorizing revenue bonds.** Any resolution or resolutions authorizing the issuance of revenue bonds under this chapter may contain covenants as to:

- (1) The purpose or purposes to which the proceeds of the sale of the revenue bonds may be applied; the use and disposition of such proceeds; the investment thereof pending such use and disposition; and the use and disposition of the income from such investment;

- (2) The use and disposition of the revenue of the university project or projects for the construction or maintenance of which the revenue bonds are issued or of the university system or systems in which such project or projects are to be included; the use and disposition of the revenue of all university projects and university systems, and of the revenues of the university, including the creation and maintenance of reserves; the investment of such revenues and of the moneys in such reserves; and the use and disposition of the income from such investments;
- (3) The minimum amount of revenues to be produced by the university projects or university systems, over and above the amount required to be produced by the first sentence and clauses (1) through (3) of the second sentence of §306-9 of this chapter;
- (4) The use and disposition of the proceeds of the sale of any university project or university system, or part of either thereof;
- (5) The construction and maintenance of any university project or university system other than the university project or projects for the construction or maintenance of which revenue bonds are issued or the university system or systems in which such latter project or projects are to be included;
- (6) The issuance of other or additional revenue bonds payable either from the revenue of the university project or projects for the construction or maintenance of which the revenue bonds are issued or the revenue of the university system or systems in which such project or projects are to be included, or payable from the revenue of other university projects or university systems;
- (7) The maintenance of the university project or university system, including the creation by the board of regents of such supervisory positions, which shall not be subject to chapter 76 and 77, as are necessary to facilitate the issuance of revenue bonds by ensuring the adequacy of revenues;
- (8) The insurance to be carried on university projects and university systems and the use and disposition of insurance moneys;
- (9) Books of account and inspection and audit thereof;
- (10) A procedure by which the terms and conditions of the bond resolution or indenture may be subsequently amended or modified with the consent of the board, the vote or written assent of the holders of bonds or any proportion of the holder, or any trustee thereof; and
- (11) The terms and conditions upon which the holders of bonds evidencing the obligation to repay loans, or any proportion of the holders, or any trustee thereof, shall be entitled to the appointment of a receiver by any court of competent jurisdiction, which court shall have jurisdiction in such proceedings, and which receiver may enter and take possession of the university project or projects, or university system or systems, maintain them, prescribe rents, fees, and charges, and collect, receive, and apply all revenue thereafter arising therefrom in the same manner as the board itself might do, but the receiver shall have no power, nor be granted any power,

to utilize, or permit the utilization of, any university project or university system other than in a manner consistent with and in furtherance of the purposes of the university; provided that all such covenants shall be subject to review by the governor.

This chapter and any such resolution or resolutions shall be a contract with the holders of bonds issued under this chapter, and the duties of the board and any such resolution or resolutions shall be enforceable by any bondholder by mandamus or other appropriate suit, action, or proceeding in any court of competent jurisdiction.”

f. By amending Section 306-6 to read:

“**SEC. 306-6 Validity of bonds.** Revenue bonds issued under this chapter shall bear the signatures of the chairman and executive officer of the board of regents, either of which signatures may be a lithographed or engraved facsimile of such signature so long as at least one of said signature is a manual signature, and shall be sealed with the seal of the board or in lieu thereof shall bear a lithographed or engraved facsimile of such seal. The coupons pertaining to the revenue bonds shall be executed with the lithographed or engraved facsimile signatures of the chairman and executive officer of the board. Revenue bonds bearing the signature of officers in office at the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor any or all of the persons whose signatures appear thereon shall have ceased to be officers. The validity of the bonds shall not be dependent on nor affected by the validity or regularity of any proceedings relating to the construction or maintenance of the university project or projects or university system or systems for which the bonds were issued. The resolution authorizing the issuance of revenue bonds may provide that the bonds shall contain a recital that they are issued pursuant to this chapter, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.”

g. By amending Section 306-7 to read:

“**SEC. 306-7 Bonds.** The resolution or resolutions authorizing the issuance of revenue bonds may pledge to the payment thereof all or any part of the revenue of a university project or projects or university system or systems, and the pledge shall constitute a lien on the revenue of such project or projects or system or systems to the extent and in the manner in the resolution or resolutions provided prior and paramount to any claim or other obligation of any nature against the revenue so pledged subsequently arising or subsequently incurred. The board of regents may provide in the resolution or resolutions that all revenue bonds of the same issue shall be equally and ratably secured without priority by reason of number, date, or maturity of the bonds, date of sale, execution, or delivery thereof. Any pledge of revenues contained in any resolution or resolutions adopted under this chapter shall be valid and binding from and after the adoption of the resolution or resolutions without physical delivery of the revenues therein pledged or the necessity of any further action by the State or the board, or any officer or agent of either the State or board.”

h. By amending Section 306-8 to read:

**“SEC. 306-8 Payment and security of revenue bonds; revenue bonds not a debt of the state.** Revenue bonds issued under this chapter shall be payable solely from and secured solely by the revenues of the university project or projects or university system or systems pledged to the payment thereof, and such revenues shall be applied to such payment in accordance with the provisions of this chapter and the resolution or resolutions authorizing the issuance of the revenue bonds. No holder or holders of any revenue bonds issued under this chapter shall ever have the right to compel any exercise of the taxing power of the State to pay such bonds, or interest thereon. Each revenue bond shall recite in substance that the bond, including interest thereon, is payable solely from and secured solely by the revenue pledged to the payment thereof, and that the bond does not constitute an indebtedness of the State within the meaning of any limitation of law.”

i. By amending Section 306-9 to read:

**“SEC. 306-9 University projects and university systems to be self-supporting.** The board of regents shall impose and collect rates, rents, fees and charges for the use or enjoyment and services of the facilities of each university project, and shall revise such rates, rents, fees, and charges from time to time whenever necessary, so that all university projects and university systems shall be and always remain self-supporting. The rates, rents, fees and charges prescribed shall be such as will produce revenue at least sufficient:

- (1) To pay the cost of maintenance of the university project or projects or university system or systems, including reserves therefor;
- (2) To pay when due all bonds and interest thereon, for the payment of which the revenue is or has been pledged, charged, or otherwise encumbered, including reserves therefor;
- (3) To reimburse the general fund of the State for any bond requirements on general obligation bonds issued for university project or projects or university system or systems to the extent required by law; and
- (4) To carry out all covenants and provisions of the resolution or resolutions authorizing the issuance of revenue bonds.

Neither this section, nor any other section of this chapter shall preclude the making of appropriations to the board, the acceptance of gifts by the board or the use of funds derived from the sale of stocks, bonds, or other assets in the possession of the board to pay all or part of the costs of construction, of maintenance, of both, or any or all university projects or university systems.”

j. By amending section 306-10 to read:

**“SEC. 306-10 University revenue-undertakings fund.** The director of finance shall establish as a special deposit in the treasury of the State, a special or revolving fund into which all revenues received from all university projects or university systems constructed, maintained, or both, by the board under this chapter shall be paid, which special or revolving fund is hereby created and shall be known as the university revenue-undertakings fund. In

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the event that revenue bonds are issued under this chapter payable from the revenues of a university parking unit or the revenues of a university system which includes a university parking unit, the board in the resolution or resolutions authorizing such revenue bonds may direct that all or any part of the moneys required by sections 308-2 and 308-3, Hawaii Revised Statutes, to be paid into the university parking revolving fund created by said section 308-2 shall be deposited in the university revenue-undertakings fund in lieu of being deposited in the university parking revolving fund, and thereafter all such moneys or such part thereof as the board has directed shall be deposited in the university revenue-undertakings fund in lieu of being deposited in the university parking revolving fund. All moneys in the university revenue-undertakings fund are appropriated and shall be applied in accordance with the provisions of the resolution or resolutions of the board authorizing the issuance of revenue bonds under this chapter:

- (1) To provide for all costs of construction, operation, repair and maintenance of university projects or university systems, including reserves therefor;
- (2) To pay when due all revenue bonds and interest thereon, for the payment of which the revenue is or has been pledged, charged, or otherwise encumbered, including reserves therefor;
- (3) To reimburse the university for all moneys advanced to pay the expenses incurred in making the preparation for the initial issuance of revenue bonds under this chapter;
- (4) To reimburse the general fund of the State for all bond requirements for general obligation bonds which are or shall have been issued for a university project or university system, or to refund any of such general obligation bonds, except insofar as such obligation of reimbursement has been or shall be cancelled by the legislature, such bond requirements being the interest on term and serial bonds, sinking fund for term bonds, and principal of serial bonds maturing the following year;
- (5) To provide a reserve for betterments and improvements to and renewals and replacements of, university projects or university systems. If adequate provision has been made for all the foregoing purposes, and if permitted by the covenants in the resolution or resolutions authorizing the issuance of revenue bonds under this chapter, any surplus moneys remaining in the university revenue-undertakings fund at the end of any fiscal year may be expended by the board in subsequent years in furtherance of any or all of the purposes of the university.

The comptroller of the State shall open and keep in his books a separate and special account of the university revenue-undertakings fund which shall be known as the university revenue-undertakings fund account and which shall at all times show the exact condition thereof, including reserves.

Moneys appropriated as hereinabove provided shall be payable by the director of finance, upon warrants issued by the comptroller, upon vouchers approved by the board or its duly authorized agent."



k. By amending Section 306-11 to read:

**“SEC. 306-11 University project, university system, bonds exempt from taxation.** The property and revenue of any university project or university system shall be exempt from all state, county, and municipal taxation and assessments. Revenue bonds issued under this chapter, and all income therefrom shall be exempt from all state, county, and municipal taxation except inheritance, transfer, and estate taxes.”

l. By amending SECTION 306-13 to read:

**“SEC. 306-13 Funding and refunding bonds; authorization and purpose.** The board of regents may, with the approval of the governor, provide for the issuance of revenue bonds (herein referred to as refunding bonds) for the purpose of refunding, redeeming, or retiring at or at any time before maturity or at any time before the first date upon which the outstanding bonds to be refunded may be called for redemption, any bonds issued under this chapter, including any bonds which the holders may consent to be paid or refunded even though the bonds are not matured or are not callable or redeemable, and for the purpose of funding indebtedness not evidenced by revenue bonds but which was incurred for purposes for which revenue bonds may be issued pursuant to this chapter. The rate or rates of interest borne by the refunding bonds shall not be affected or limited by the rate or rates of interest borne by the bonds to be refunded or the indebtedness to be funded. All provisions of this chapter applicable to the issuance of revenue bonds shall be compiled with in the issuance of refunding bonds. Refunding bonds shall be sold as provided in section 306-4, or the board may, in its discretion, provide for the exchange of refunding bonds for a like principal amount of outstanding bonds for the refunding of which the issuance of such refunding bonds has been authorized, whether or not the interest rate on the refunding bonds is higher than the interest rate on the bonds refunded thereby.”

m. By amending SECTION 306-14 to read:

**“SEC. 306-14 Funding and refunding bonds; principal amount.** Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds or indebtedness to be funded or refunded thereby, and for the payment of all expenses paid or incurred in connection with the calling, redeeming, retiring, or paying of such indebtedness or outstanding bonds, and the issuance of such refunding bonds. The expenses may include the amount necessary for the payment of interest upon the indebtedness to be funded or the bonds to be refunded to the maturity or redemption date thereof, the amount necessary for the payment of interest upon the refunding bonds from the date of delivery thereof to the date upon which the principal of the outstanding bonds to be refunded will be paid whether at maturity or pursuant to a call for redemption thereof, or pursuant to agreement with the holders thereof, plus in any case the amount of the premium, if any, required to be paid in order to call or retire the bonds to be required.”

n. By amending SECTION 306-15 to read:

**“SEC. 306-15 Fiscal agents.** The director of finance of the State of

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Hawaii, when requested by the board, shall render full and complete assistance to the board in the preparation and sale of revenue bonds issued pursuant to this chapter. The director of finance shall be the fiscal agent of the board for the payment of all principal and interest, and for the transfer, of revenue bonds. The provisions of section 36-3 and 39-12, relating to the appointment by the director of finance of other fiscal agents, paying agents, transfer agents and registrars, and to the status of funds held by these fiscal agents, to the extent that they may appropriately be applied, shall be deemed incorporated in this chapter. The director of finance shall cause to be set up in the treasury of the State suitable accounts for the deposit of all revenues of university projects or university systems, and for the payment of all revenue bonds and the interest thereon, and for all other payments provided or required by this chapter, or any resolution or resolutions of the board and for the holding of all reserves created under this chapter or any resolution or resolutions of the board."

o. By amending SECTION 306-16 to read:

**"SEC. 306-16 Limitation of authority.** Notwithstanding any other provision to the contrary, nothing in this chapter shall be construed to authorize the board of regents to incur any indebtedness contrary to article VI, section 3, of the Constitution of the State or to incur any indebtedness which would not qualify for exclusion from the total indebtedness of the State under clause (b) of section 3 of said article VI."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved May 28, 1971.)

ACT 142

S. B. NO. 1168

A Bill for an Act Relating to the University of Hawaii.

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

SECTION 1. Section 304-4, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 304-4 Powers of regents; official name.** The board of regents shall have general management and control of the affairs of the university. It may appoint a treasurer and such other officers as it deems necessary. It may authorize any officer elected or appointed by it to approve and sign on its behalf any voucher or other document which the board may approve and sign. It may purchase or otherwise acquire lands, buildings, appliances, and other property for the purposes of the university and expend such sums of money as may be from time to time placed at the disposal of the university from whatever source. All lands, buildings, appliances, and other property so purchased or

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\* Edited accordingly.

acquired shall be and remain the property of the university to be used in perpetuity for the benefit of the university.

The board may charge a resident tuition fee of not less than \$170 per academic year for regular courses of instruction; at any University of Hawaii campus that grants baccalaureate degrees and not less than \$30 per academic year for regular courses of instruction at any college in the system of community colleges; provided that the tuition fee for nonresident students, both undergraduate and graduate, shall be not less than four times the tuition fee for resident students, but in no event less than \$680. The board may also charge other fees for special programs of instruction, as well as laboratory fees or course fees or fees for student activities, each of which shall be the same for resident and nonresident students. The board may charge other fees for summer session or evening courses, including differential fees for nonresident students. The nonresident tuition differential shall not be applicable to nonresident students who were enrolled at the university during the fall or spring semester of the 1968-1969 school year, as long as the nonresident students continue to be enrolled at the university as regular students during the next and subsequent academic years, except where such continued enrollment is prevented for good cause as may be determined by the board of regents, nor to nonresident students who are residents of a state or foreign country which permits Hawaii residents to pay resident tuition fees while attending public institutions of higher learning in such state or foreign country, nor to nonresidents, United States military personnel stationed in Hawaii on active duty and their authorized dependents during the period such personnel are stationed in the State, nor to students from any district, commonwealth, territory or insular jurisdiction, state, or nation which does not provide public institutions of higher learning, nor to employees of the University, their spouses and dependents. The board may waive entirely or reduce the tuition fee or any of the other fees for any students, resident or nonresident, who are well qualified or in need of financial assistance, not exceeding 400 in number, which shall be counted as part of the quota of financial aids allocable to the baccalaureate campuses in the system. The board may waive entirely or reduce the tuition fee or any of the other fees for graduate teaching and research assistants. The board may enter into agreements with government and university officials of any other state or foreign country to provide for reciprocal waiver of the nonresident tuition differential.

The board shall adopt the necessary rules and regulations defining residence for tuition purposes herein; provided that the basic rule shall be that adult and minor students are resident students if the adult students, or in the case of minor students, their parents or guardians, have been bona fide residents of this State for at least twelve consecutive months next preceding their first registration at the university.

The official name of the board shall be Board of Regents, University of Hawaii, and the board shall adopt and use a common seal by which all official acts shall be authenticated."

SECTION 2. Section 304-15, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 304-15 Scholarships. The board of regents shall each year award

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scholarships to well qualified students and students in such necessitous circumstances that in the judgment of the university they would otherwise be unable to attend the university or a community college. To qualify for such a scholarship, a student must be a bona fide resident of the State for the five consecutive years immediately preceding the term for which a scholarship is desired. The board of regents may adopt the necessary rules and regulations defining bona fide resident.”

SECTION 3. Section 304-17, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 304-17 Number and allocation financial aids.** ‘Financial aid’, as used in this section, means the tuition waivers authorized in Section 304-5 and the scholarships authorized in Section 304-15. Individual scholarships or waivers shall be called units of financial aid. The total number of recipients of State financial aid in any given year shall not exceed the following:

- (a) In 1971 six percent of the total full-time undergraduate enrollment in the previous September;
- (b) In 1972 seven percent of the total full-time undergraduate enrollment in the previous September;
- (c) In 1973 eight percent of the total full-time undergraduate enrollment in the previous September;
- (d) In 1974 nine percent of the total full-time undergraduate enrollment in the previous September;
- (e) In 1975 and in each and every year thereafter ten percent of the total full-time undergraduate enrollment in the previous September.

The allocation of the total number of units of financial aid shall be adjusted annually, based upon the ratio between full-time undergraduate students enrolled in the baccalaureate system and in the community college system.

Scholarships awarded to students in college transfer programs in the Community Colleges shall be continued upon their transfer into baccalaureate programs provided they continue to qualify, with the scholarship then to count against the quota for the baccalaureate degree granting campus. Only full time students in the University of Hawaii System shall be eligible for State scholarships or Board of Regents tuition waivers. Each scholarship shall be granted for the period of one academic year, and shall be renewed each year for all recipients who maintain a satisfactory standard of scholarship and deportment. No student shall receive state scholarship grants for a period longer than four academic years while pursuing a bachelor’s degree, associate degree or a certificate as the case may be.

SECTION 4. Section 304-18, Hawaii Revised Statutes is repealed.

SECTION 5. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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\* Edited accordingly.

SECTION 6. This Act shall take effect upon its approval.  
(Approved May 28, 1971.)

## ACT 143

S. B. NO. 194

A Bill for an Act Relating to the Board of Regents of the University of Hawaii.  
*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 26-11, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 26-11 University of Hawaii.** The university of Hawaii shall be headed by an executive board to be known as the board of regents. The board of regents shall appoint and may remove an executive officer to be known as the president of the University of Hawaii.

The board shall consist of eleven members. No more than six of the members shall be members of the same political party and at least part of the membership of the board shall represent geographic subdivisions of the State.

The board shall have power, in accordance with the Constitution of the State and with law, to formulate policy, and to exercise control over the university through its executive officer, the president of the university.

The university of Hawaii as heretofore constituted as a body corporate is continued as the university of Hawaii established by this chapter.

SECTION 2. Section 304-3, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 304-3 Regents; appointments; tenure; qualifications; meetings.** The affairs of the university shall be under the general management and control of the board of regents consisting of eleven members who shall be appointed and may be removed by the governor. Except as otherwise provided by statute, state officers shall be eligible to appointment and membership. Every member may serve beyond the expiration date of his term of appointment until his successor has been appointed and has qualified. The board shall at its first meeting after June 30, elect a chairman, vice-chairman, and a secretary (who shall not be a member of the board), who shall serve until adjournment of its first meeting after June 30 of the next year or thereafter until their successors are appointed and have qualified and whose election shall be immediately certified by the board to the lieutenant governor. The president of the university shall act as executive officer of the board. The board shall meet not less often than ten times annually, and may from time to time meet in each of the counties of Hawaii, Maui, and Kauai.

The members of the board shall serve without pay but shall be entitled to their traveling expenses within the State when attending meetings of the board or when actually engaged in business relating to the work of the board."

SECTION 3. Section 26-34, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 26-34 Selection and terms of members of boards and commissions.**

## ACT 144

The members of each board and commission established by law shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. Unless otherwise provided by this chapter or by law hereafter enacted, the terms of such members shall be for four years; provided, that the governor may reduce the terms of those initially appointed so as to provide, as nearly as can be, for the expiration of an equal number of terms at intervals of each year for each board and commission; and provided further that the terms of two of the members of the board of regents of the university of Hawaii shall be for two years. Each term shall commence on January 1 and expire on December 31. After November 25, 1959, no person shall be appointed consecutively to more than two terms as a member of the same board or commission; provided, that membership on any board or commission shall not exceed eight consecutive years.

A vacancy occurring in the membership of any board or commission during a term shall be filled for the unexpired term thereof, subject to article IV, section 6 of the Constitution of the State.

The governor may remove or suspend for cause any member of any board or commission after due notice and public hearing.

Except as otherwise provided by this chapter, this section shall apply to every board and commission established by part I, or existing or established after November 25, 1959. The term of each member of any board or commission existing on November 25, 1959, shall terminate on December 31, 1959. All new appointments to such board or commission shall thereafter be made in accordance with this section.

This section shall not apply to ex officio members of boards and commissions or to the board of trustees of the employees retirement system."

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 28, 1971.)

ACT 144

H. B. NO. 84

A Bill for an Act Relating to District Courts, Amending Chapters 604, 633, 666 and 711 of the Hawaii Revised Statutes, and Act 188, Session Laws of 1970.

*Be It Enacted by the Legislature of the State of Hawaii.*

SECTION 1. Section 604-5, Hawaii Revised Statutes, as amended by Act 188, Session Laws of Hawaii 1970, is amended to read as follows:

"Sec. 604-5. Civil Jurisdiction. (a) Except as otherwise provided, the

\* Edited accordingly.

district courts shall have jurisdiction in all civil actions, where the debt, amount, or damages, or the value of the property claimed, does not exceed \$5000. Attorney's commissions or fees, including those stipulated in any note or contract sued on, interest, and costs, shall not be included in computing the jurisdictional amount. Subject to subsections (b) and (c), jurisdiction under this subsection shall be exclusive when the amount in controversy, so computed, does not exceed \$500.

(b) The district courts shall try and determine all actions without a jury, subject to appeal according to law. Whenever a civil matter is triable of right by a jury and trial by jury is demanded in the manner and within the time provided by the rules of court, the case shall be transferred to the circuit court. If the demand is made in the complaint and the matter is triable of right by a jury, the action may be commenced in the circuit court even though the amount in controversy does not exceed \$500.

(c) Whenever a claim requires for its adjudication the presence of parties who cannot be served in the State, or cannot be served in a single circuit, the action may be commenced in the circuit court even though the amount in controversy does not exceed \$500, and if the action has been commenced in a district court it may be transferred to the circuit court.

(d) The district courts shall have jurisdiction in all statutory proceedings as conferred by law upon district courts.

(e) The district courts shall not have cognizance of real actions, nor actions in which the title to real estate comes in question, nor actions for libel, slander, defamation of character, malicious prosecution, false imprisonment, breach of promise of marriage, or seduction; nor shall they have power to appoint referees in any cause."

SECTION 2. Section 604-6, Hawaii Revised Statutes, as amended by Act 188, Session Laws of Hawaii 1970, is amended to read as follows:

**"Sec. 604-6. Ejectment proceedings.** Nothing in section 604-5 shall preclude a district court from taking jurisdiction in ejectment proceedings where the title to real estate does not come in question at the trial of the action. If the defendant is defaulted or if on the trial it is proved that the plaintiff is entitled to the possession of the premises, the court shall give judgment for the plaintiff and shall issue a writ of possession. The rules of court shall govern the stay of a writ of possession."

SECTION 3. Section 604-7, Hawaii Revised Statutes, as amended by Act 188, Session Laws of Hawaii 1970, is amended to read as follows:

**"Sec. 604-7. Powers; venue.** (a) The district courts may:

- (1) Administer oaths;
- (2) Subpoena and compel the attendance of witnesses from any part of the circuit and, if the subpoena is endorsed with proper words of authority by a circuit judge of the judicial circuit in which the district court is situated, from any part of the state, and compel the production of books, papers, documents or tangible things;
- (3) Enter final judgments; and alter or set aside any judgment within ten days following the date of its rendition or as provided by the rules of court;

- (4) Enforce judgments; and punish contempts according to law;
- (5) Issue garnishee summons which shall be operative as to the garnishee throughout the judicial circuit in which the district court issuing the same is situated, except that where the garnishee of a government beneficiary is the comptroller of the State, the garnishee summons may be served and shall be operative throughout the State;
- (6) In a criminal case, alter, set aside, or suspend a sentence by way of mitigation or otherwise upon motion or plea of a defendant made within thirty days after imposition of the sentence.

Every witness duly subpoenaed as provided in this section shall be allowed the same attendance and mileage fees allowed witnesses subpoenaed before the circuit courts.

(b) Any document requiring the signature of a district judge, in any cause or proceeding whatsoever in a district court, may be signed without, as well as within, the boundaries of the circuit in which the court is situated.

(c) Except as otherwise provided in this chapter or chapter 666, a summons or other writ issued by a district court may be served only in the judicial circuit in which the district court is situated.

(d) Except as otherwise provided, civil actions shall be brought in the district court of the judicial circuit in which the defendant or a majority of the defendants reside or the claim for relief arose, unless there are parties whose presence is required for adjudication of the claim who cannot be served in that circuit, in which case the action may be brought in the district court of any circuit in which all of the parties can be served. The venue may be changed or the case transferred as provided by sections 604-7.3 and 604-7.4.”

SECTION 4. Chapter 604, Hawaii Revised Statutes, is amended by adding a new section to be numbered 604-7.3 and to read as follows:

“**Sec. 604-7.3. Change of venue.** After the parties shall have had an opportunity to be heard, any district court may, in its discretion, upon satisfactory proof that it would be more fair and equitable to the parties thereto if any civil case pending in the court were heard in another jurisdiction, change the venue to the district court of some other circuit and order the record to be transferred thereto; provided, that any district court may, in its discretion, upon the consent of all the parties to any civil or criminal case pending in the court, change the venue to the district court of some other circuit and order the record to be transferred thereto.”

SECTION 5. Chapter 604, Hawaii Revised Statutes, is amended by adding a new section to be numbered 604-7.4 and to read as follows:

“**Sec. 604-7.4. Cure or waiver of defects.** (a) The district court of a circuit in which is commenced a civil case laying venue in the wrong circuit shall transfer the case, upon or without terms and conditions as the court deems proper, to the district court of any circuit in which it could have been brought, or if it is in the interest of justice dismiss the case.

(b) Nothing in sections 604-7 to 7.4 shall impair the jurisdiction of a district court of any matter involving a party who does not interpose timely and sufficient objection to the venue.”



SECTION 6. Chapter 604, Hawaii Revised Statutes, is amended by adding a new section to be numbered 604-7.5 and to read as follows:

**“Sec. 604-7.5. Continuance of hearing or trial.** If the judge of any district court, or any other district judge authorized to preside in the circuit, fails to attend any trial or hearing at the time appointed, a clerk thereof shall continue any case or matter then before the court for trial or hearing, from time to time, until the attendance of one of the district judges, but no such continuance shall be for a longer period than seven days except as otherwise ordered by the court.”

SECTION 6A. Section 604-8, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 604-8. Criminal, misdemeanors, generally.** District courts shall have jurisdiction of, and their criminal jurisdiction is limited to, criminal offenses punishable by fine, or by imprisonment not exceeding one year whether with or without fine. They shall not have jurisdiction over any offense for which the accused cannot be held to answer unless on a presentment or indictment of a grand jury.

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

SECTION 6B. Section 604-9, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 604-9. Same; powers.** District courts shall have power, subject to appeal according to law and except as otherwise provided in cases in which the accused has the right to and demands a trial by jury in the first instance, to try without a jury, and to render judgment in all cases of criminal offenses coming within their respective jurisdictions.”

SECTION 6C. Chapter 604, Hawaii Revised Statutes, is amended by adding a new section to be numbered 604-11.5 and to read as follows:

**“Sec. 604-11.5. Same; offenses committed within the circuit.** The several district courts shall have jurisdiction, except as otherwise provided, of all criminal offenses cognizable under the laws of the State, committed within their respective circuits or transferred to them for trial by change of venue from some other district court.”

SECTION 6D. Section 604-12, Hawaii Revised Statutes is repealed.

SECTION 6E. Section 604-17, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 604-17. Courts of record; testimony and proceedings.** The district courts shall be courts of record. The district courts shall in all cases preserve in writing, on tape, or such other mechanical device as may be appropriate, the minutes, proceedings, and testimony of their trials, transactions, and judgments, and the facts upon which their decisions rest.”

SECTION 7. Section 604-18, Hawaii Revised Statutes is repealed.

SECTION 8. Section 604-19, Hawaii Revised Statutes is repealed.

SECTION 8A. Chapter 604, Hawaii Revised Statutes, is amended by adding a new section to be numbered 604-20 and to read as follows:

**"Sec. 604-20. Powers of clerk.** The clerks of the district courts shall have, within the scope of the jurisdiction of the district courts, all the powers of clerks of other courts of record, including the power to sign and enter judgments, subject to the direction of the court; administer oaths; sign and issue garnishee summons, writs of attachment, execution and possession, and other process; and take depositions."

SECTION 9. Section 633-1, Hawaii Revised Statutes is repealed.

SECTION 10. Section 633-2, Hawaii Revised Statutes is repealed.

SECTION 11. Section 633-3, Hawaii Revised Statutes is repealed.

SECTION 12. Section 633-4, Hawaii Revised Statutes is repealed.

SECTION 13. Section 633-5, Hawaii Revised Statutes is repealed.

SECTION 14. Section 633-6, Hawaii Revised Statutes is repealed.

SECTION 15. Section 633-7, Hawaii Revised Statutes is repealed.

SECTION 16. Section 633-11, Hawaii Revised Statutes is repealed.

SECTION 17. Section 633-12, Hawaii Revised Statutes is repealed.

SECTION 18. Section 633-13, Hawaii Revised Statutes is repealed.

SECTION 19. Section 633-14, Hawaii Revised Statutes is repealed.

SECTION 20. Section 633-15, Hawaii Revised Statutes is repealed.

SECTION 21. Section 633-27, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 633-27. District courts; powers.** All district courts, except as otherwise provided, shall exercise jurisdiction conferred by sections 633-27 to 633-37, and while sitting in the exercise of that jurisdiction, shall be known and referred to as the small claims division of the district court; provided that the jurisdiction of the court when sitting as a small claims division of the district court shall be confined to cases for the recovery of money only where the amount claimed does not exceed \$300 exclusive of interest and costs, except as provided by section 633-30. Sections 633-27 to 633-37 shall not abridge or affect the jurisdiction of the district courts to determine cases under the ordinary procedures of the court, it being optional with the parties to elect the procedure of the small claims division of the district court or the ordinary procedures, as provided by rule of court.

Actions shall be commenced in small claims division of the district court of the judicial circuit in which the defendant or a majority of the defendants reside or the claim for relief arose, unless service cannot be made on all of the defendants in that circuit, in which case action may be commenced in any circuit in which all of the defendants can be served."

SECTION 22. Section 633-28, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 633-28. Small claims, no appeal; appearance by whom.** (a) Actions shall be commenced and conducted in the small claims division of the district court as provided by the rules of court. The clerk of the court shall, at the request of an individual prepare the papers required to be filed in an action in the court, but his services in the preparation of these papers shall not be available to a corporation, partnership, or association, or to any individual proprietorship. The mode of service shall be as provided by law or rule of court for cases in the district courts, or by registered mail or by certified mail with return receipt showing delivery within the circuit. There shall be no appeal from a judgment of the small claims division, but the court, sitting as the small claims division, may alter or set aside any judgment as provided by the rules of court.

(b) Notwithstanding any provision of law requiring the licensing of practitioners, any person may, with the approval of the court, appear on behalf of another in the small claims division of the district court, but the services of an unlicensed person appearing under this subsection shall be without compensation, either by way of direct fee, contingent fee, or otherwise. In the event the services are rendered for compensation this subsection is inapplicable and the rendering of the services constitutes the unlawful practice of law, except as otherwise provided.

SECTION 23. Section 633-29, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 633-29. Fees and costs; waiver.** The fee for issuing summons and copies, trial, judgment, and satisfaction in an action in the small claims division of the district court shall be not more than \$5. Other fees shall be as prescribed by statute or rule of court. The judge may waive the prepayment of costs or the payment of costs accruing during the action upon the sworn statement of the plaintiff or upon other satisfactory evidence of his inability to pay the costs.

SECTION 24. Section 633-30, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 633-30. Counterclaim; retention of jurisdiction.** When the limit of the district court as provided by section 633-27 is exceeded in a counterclaim but within the jurisdictional limit of the court as provided by section 604-5, the action shall nevertheless remain in the small claims division of the district court and be tried therein in its entirety.”

SECTION 25. Section 633-32, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 633-32. Evidence.**

In a case tried in the small claims division, the court shall conduct the trial in such manner as to do substantial justice between the parties according to the rules of substantive law, and is not bound by the rules of evidence, whether or not set out by statute, except provisions relating to privileged communications.

SECTION 26. Section 633-33, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 633-33. Judgment for wages; oral examination; payment.** When a judgment in an action pursuant to sections 633-27 to 633-37 is founded in whole or in part on a claim for wages or personal services, the court shall, upon motion of the party obtaining judgment, order the appearance of the party against whom the judgment has been entered but not more often than once each week for four consecutive weeks, for oral examination under oath as to his financial status and his ability to pay the judgment, and the court shall make such supplementary orders as seems just and proper to effectuate the payment of the judgment upon reasonable terms.”

SECTION 27. Section 633-34, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 633-34. Award of costs.** In any action pursuant to sections 633-27 to 633-37, the award of costs is in the discretion of the court, which may include therein the reasonable cost of bonds and undertakings, and other reasonable expenses incident to the action, incurred by either party. No attorneys’ fees or commission shall be allowed or awarded under sections 607-14 and 607-17 by any judgment of the small claims division.”

SECTION 28. Section 633-35, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 633-35. Other rights of judgment creditor.** Except as otherwise provided by sections 633-27 to 633-37, or in the rules of court, a party obtaining a judgment in the small claims division of the district court is entitled to the same remedies, processes, costs, and benefits as are given or inure to other judgment creditors in the court.”

SECTION 29. Section 633-36, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 633-36. Forms and public information.** For the more effective carrying out of sections 633-27 to 633-37, the Chief Justice, as administrative head of the judiciary department, shall cause to be published a booklet or pamphlet describing, in language readily understandable by a layman, the procedures of the small claims division of the district court, the remedies available upon judgment in the small claims division of the district court and such other information as will facilitate the utilization of the small claims procedure, and shall also cause to be made and printed such standardized forms as may be utilized throughout the small claims procedure prior to, upon and after judgment.”

SECTION 30. Section 633-37, Hawaii Revised Statutes is repealed.

SECTION 31. Chapter 633, Hawaii Revised Statutes is further amended by deleting the subtitles and changing the chapter heading to read “Small Claims, District Courts”.

SECTION 31A. Section 666-9, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 666-9. Return day.** The summons shall be returnable within such time as is fixed by the court in conformity with the rules of court.

SECTION 31B. Chapter 711, Hawaii Revised Statutes, is amended by adding a new section to be numbered 711-2, and to read as follows:

**"Sec. 711-2. Inapplicable to district courts.** Notwithstanding any provision of this chapter that the same applies to courts of record, such provision shall not, without more, apply to district courts."

SECTION 32. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 33. This Act shall take effect on January 1, 1972; provided that nothing in this Act or Act 188 of the Session Laws of 1970 shall be deemed to repeal or affect or make any change in:

- (1) Any provision of section 28-26 of the Hawaii Revised Statutes, as amended;
- (2) Any right of appeal to the circuit court for trial de novo, which could have been had under the laws in effect on December 31, 1971, provided that on that day the case was pending in a district court or the time for appeal had not expired; or
- (3) Any right of appeal to the Supreme Court from any final decision of a district court in any case finally decided prior to January 1, 1972.

(Approved May 28, 1971.)

## ACT 145

H. B. NO. 125

A Bill for an Act Relating to General Provisions of Public Service of Public Officers and Employees.

*Be It Enacted by the Legislature of the State of Hawaii*

SECTION 1. Add the following Section 78-21 after Section 78-20, Hawaii Revised Statutes, as amended:

**"Sec. 78-21. Limitation of liability.** Except in cases of gross negligence, no public officer or employee shall be liable for damages to government property if such damages to government property were caused by the public officer or employee while performing work within the scope of his employment."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 28, 1971.)

## ACT 146

H. B. NO 937

A Bill for an Act Relating to the Study of Law and Making Appropriations Therefor.

\* Edited accordingly.

## ACT 147

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

SECTION 1. There shall be a school of law at the University of Hawaii, to be under the direction of a dean or director who shall be appointed by the President with the approval of the Board of Regents. Subject to the availability of funds, faculty, and facilities, the school shall offer such courses of study as may be deemed appropriate and confer such degrees as may be authorized by the Board of Regents.

SECTION 2. **Appropriation.** There is hereby appropriated out of the general revenues of the State of Hawaii the sum of \$192,500 for the fiscal biennium 1971-73 (\$67,000 for fiscal year 1971-72 and \$125,500 for fiscal year 1972-73) or so much thereof as may be necessary to complete the research and development phase of establishing a school of law at the University of Hawaii. The sum appropriated shall be expended by the University of Hawaii for the purposes of this act.

SECTION 3. **Effective date.** This Act shall take effect July 1, 1971.

(Approved May 28, 1971.)

ACT 147

H. B. NO. 1084

A Bill for an Act Relating to Powers of the Western Interstate Commission for Higher Education.

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

SECTION 1. Chapter 310, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read:

“**Sec. 310- Placement of students.** The Western Interstate Commission for Higher Education is authorized to act on behalf of this State in making arrangements for the placement of students in institutions and programs of higher learning outside the States which are parties to the compact for establishing the commission. For that purpose, the commission may negotiate and enter into arrangements and contracts with this State or any appropriate agency thereof, with public and private educational institutions and agencies, and with States and other governmental entities. Such arrangements and contracts may provide for the obtaining of one or more places for students on either a special or continuing basis; the payment of partial or full tuition and other charges; and the furnishing of reciprocal, compensating or other advantages and benefits in support of the educational program involved.

“**Sec. 310- Payment of costs.** The authority conferred by section 310- shall be exercised only pursuant to written agreement between the commission and an agency of this State having responsibility for or duties with respect to programs for assisting residents of this State to obtain higher education. Any such agreement shall include provisions for the payment of tuition and any other costs, and no such agreement shall be made which commits this State or any agency or officer thereof to any obligation for which funds have not been appropriated or otherwise made available in accordance with law.

**“Sec. 310- Obligations under compact not impaired.** Nothing contained in sections 310- and 310- shall be construed to alter any of the obligations or restrict or impair any of the rights which this State may have under the compact establishing the commission.”

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

(Approved May 28, 1971.)

## ACT 148

S. B. NO. 385

A Bill for an Act Relating to Retirement Credits for Employees who Received Workmen's Compensation Benefits.

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

SECTION 1. The purpose of this Act is to allow an employee who received workmen's compensation benefits, prior to the effective date of section 79-16, Hawaii Revised Statutes, to purchase retirement credits for periods of absence from work because of injuries incurred within the scope of his employment. Since July 1, 1967, an employee receiving workmen's compensation benefits continues to earn retirement credits as though he were not absent but performing duties of his regular employment.

SECTION 2. Chapter 88, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“Sec. 88- Membership service credit for employees who received workmen's compensation benefits.** A member who had been absent from work because of injuries incurred within the scope of his employment and who had received workmen's compensation benefits prior to July 1, 1967, may purchase full membership service credit in the system for such periods of absence in accordance with section 88-59.”

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

(Approved May 28, 1971.)

## ACT 149

S. B. NO. 1059

A Bill for an Act Relating to Economic Development Program for Depressed Areas.

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

SECTION 1. Chapter 208, Hawaii Revised Statutes, is amended in the following particulars:

(1) By amending section 208-3 to read:

**“Sec. 208-3 ‘Depressed area’ defined; designation of.** (a) The director of planning and economic development shall designate as a ‘depressed area’ any of the districts enumerated in section 4-1 when any of the following criteria is met in the district:

(1) Where the level of unemployment has been seven per cent or more for a period of six consecutive months immediately before the designation; or

(2) Where the population has declined five per cent or more per year for four of the five preceding calendar years.

(b) The director shall also designate as a 'depressed area' any area regardless of size which has been designated as a 'redevelopment area' by the federal government pursuant to law.

(c) For the purposes set forth in section 208-5(b) (1), the director may declare any district in the State as a 'depressed area' if he finds that an employer employing a substantial number of residents of the district is definitely terminating or permanently curtailing operations which may result in an abnormal number or concentration of jobless workers in the district or there is a substantial concentration of jobless workers due to the discontinuance or decline of one or more major industries in the district.

(d) The director may expend such amounts as are necessary from the depressed area fund for studies, surveys and feasibility analyses that would provide employment statistics to determine the eligibility of districts to be designated as depressed areas."

(2) By amending section 208-5(b) to read:

"(b) Upon the required declaration, the director, in consultation with the area redevelopment council, is further authorized:

- (1) To aid financially or otherwise, in the depressed area, the occupational and vocational training of unemployed persons, which term is defined here to include those actually unemployed and those who may become unemployed by the termination or curtailment of operation by an employer as set forth in section 208-3(c), to increase their skill and opportunity for employment in other lines of work in the labor market in which they reside, or within the State;
- (2) To furnish financially or otherwise technical assistance to any businesses or persons in the depressed area; and
- (3) To draft general economic development and redevelopment plans for the State, counties or districts, assist in the attraction of new business enterprise, expand existing business enterprise, prevent the termination or curtailment of operations by existing employers, or find new employment for those districts designated as depressed areas."

(3) By amending section 208-7(a) to read:

"(a) No aid shall be granted to or be used by any person or organization:

- (1) To compete with any public utility which adequately provides service in a depressed area;
- (2) To influence industry to move from one island of the State to another where the move will unduly depress the area in which the industry is located.

(4) By amending section 208-9 to read:

**"Sec. 208-9 Depressed area fund.** There is appropriated from the general revenues of the State sufficient moneys as may be necessary, from time to time, for expenditure by the director of planning and economic develop-



ment, with the approval of the governor, for the purpose specified in this chapter in rendering aid to a depressed area; provided that not more than \$500,000 may be expended by the director, with the approval of the governor, in rendering aid to any single depressed area, within a period of five years."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, bracketed material, or the underscoring.\*

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

(Approved May 28, 1971.)

## ACT 150

H. B. NO. 33

A Bill for an Act Relating to a Statewide Traffic Code.

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

SECTION 1. The Hawaii Revised Statutes is amended by adding a chapter to be appropriately designated and to read as follows:

**"CHAPTER**

**VEHICULAR ACCIDENTS AND ACCIDENT REPORTS  
AND RULES OF THE ROAD**

**PART I. GENERAL PROVISIONS**

**Sec. -1. Definitions.** As used in this chapter:

- (1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic.
- (2) "Arterial street" means any United States or State numbered route, controlled access highway, or other major radial or circumferential street or highway designated by counties within their respective jurisdictions as part of a major arterial system of streets or highway.
- (3) "Authorized emergency vehicle" includes such fire department vehicles, police vehicles, and ambulances as are publicly owned and such other publicly or privately owned vehicles as are designated by the city or county council.
- (4) "Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.
- (5) "Bus" means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.
- (6) "Business district" means the territory contiguous to and including

\* Edited accordingly.

a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.

- (7) "Controlled-access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.
- (8) "Crosswalk" means (A) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or (B) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- (9) "Driver" means every person who drives or is in actual physical control of a vehicle.
- (10) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (11) "House trailer" means (A) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways; or (B) A trailer or a semi-trailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (A), but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.
- (12) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

The junction of an alley with a street or highway shall not constitute an intersection.

- (13) "Laned roadway" means roadway which is divided into two or more clearly marked lanes for vehicular traffic.
- (14) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power but not operated upon rails.
- (15) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excluding a tractor.
- (16) "Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower, and every bicycle with motor attached.
- (17) "Official traffic-control devices" mean all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
- (18) "Owner" means a person, other than a lien-holder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.
- (19) "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
- (20) "Pedestrian" means any person afoot, in an invalid chair, or in a vehicle propelled by a person afoot.
- (21) "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
- (22) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
- (23) "Railroad" means a carrier of persons or property upon cars operated upon stationary rails.
- (24) "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
- (25) "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.
- (26) "Residence district" means the territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business.
- (27) "Right of way" means the right of one vehicle or pedestrian to

proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

- (28) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein refers to any such roadway separately but not to all such roadways collectively.
- (29) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
- (30) "School bus" means every motor vehicle that complies with the color and identification requirements specified by rules promulgated pursuant to chapter 91 by the state highway safety coordinator and that is used to transport children to or from school or in connection with school activities, but not including buses operated by common carrier in transportation of school children.
- (31) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.
- (32) "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
- (33) "Stop" when required means complete cessation from movement.
- (34) "Stop" or "stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.
- (35) "Street" means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (36) "Through highway" means every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right of way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic control device, when such signs or devices are erected as provided by law.
- (37) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for purposes of travel.
- (38) "Traffic-control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.
- (39) "Urban district" means the territory contiguous to and including any street which is built up with structures devoted to business,

industry, or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more.

- (40) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

## PART II. ACCIDENTS AND ACCIDENT REPORTS

**Sec. -11. Provisions of part apply throughout state.** This part applies upon highways and elsewhere throughout the state.

**Sec. -12. Accidents involving death or personal injury.** (a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section -14. Every such stop shall be made without obstructing traffic more than is necessary.

(b) Any person failing to stop or to comply with the requirements of subsection (a) shall be fined not more than \$1,000 or imprisoned not more than ten years, or both.

(c) The license or permit to drive and any nonresident operating privilege of the person so convicted shall be revoked as provided in section 286-124.

**Sec. -13. Accidents involving damage to vehicle or property.** The driver of any vehicle involved in an accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop such vehicle at the scene of the accident or as close thereto as possible, but shall forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section -14. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or to comply with the requirements of this section under such circumstances shall be fined not more than \$100 or imprisoned not more than ten days for a first conviction; fined not more than \$200 or imprisoned not more than twenty days, or both, for a second conviction within one year of a first conviction; and fined not more than \$500 or imprisoned not more than six months, or both, for a third conviction within one year of a first conviction.

**Sec. -14. Duty to give information and render aid.** (a) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving, and shall upon request and if available exhibit his license or permit to drive to any person injured in the accident or to the driver or occupant of or person attending any vehicle or other property damaged in the accident and shall give such information and upon request exhibit such license or permit to any police officer at the scene of the accident or who is investigating the accident and shall render to any person injured in the accident reasonable assistance, including the carrying,

or the making of arrangements for the carrying, of the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person.

(b) In the event that none of the persons specified is in condition to receive the information to which they otherwise would be entitled under subsection (a), and no police officer is present, the driver of any vehicle involved in the accident after fulfilling all other requirements of section -12 and subsection (a) of this section, insofar as possible on his part to be performed, shall forthwith report the accident to the nearest police officer and submit thereto the information specified in subsection (a).

**Sec. -15. Duty upon striking unattended vehicle or other property.** The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to the other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of his name, address, and the registration number of the vehicle he is driving or shall attach securely in a conspicuous place in or on such vehicle or other property a written notice giving his name, address, and the registration number of the vehicle he is driving and shall without unnecessary delay notify the nearest police office. Every such stop shall be made without obstructing traffic more than is necessary.

**Sec. -16. Immediate notice of accident.** (a) The driver of a vehicle involved in an accident resulting in injury or death of any person or total damage to all property to an apparent extent of \$100 or more shall immediately by the quickest means of communication give notice of the accident to the nearest police office.

(b) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in subsection (a) and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

**Sec. -17. Written reports of accidents.** Written reports of accidents by drivers, owners, and occupants of vehicles involved in accidents shall be furnished in compliance with the requirements of chapter 287.

**Sec. -18. False reports.** Any person who gives information in oral or written reports as required in this part or in chapter 287 knowing or having reason to believe that such information is false shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

**Sec. -19. Garages to report.** The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident of which written report must be made by the driver as provided in chapter 287, or struck by any bullet, shall report to the police department, within twenty-four hours after the motor vehicle is received by the garage or repair shop, giving the vehicle identification number, registration number, and the name and address of the owner or driver of the vehicle.

## RULES OF THE ROAD

### PART III. OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

**Sec. -21. Provisions of parts III to XIV refer to vehicles upon the highways; exceptions.** The provisions of parts III to XIV relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except, where a different place is specifically referred to in a given section.

**Sec. -22. Required obedience to traffic laws.** It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

**Sec. -23. Obedience to police officers.** No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic.

**Sec. -24. Persons riding animals or driving animal-drawn vehicles.** Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

**Sec. -25. Persons working on highways; exceptions.** Unless specifically made applicable, the provisions of this chapter except those contained in part XI shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surfaces of a highway but shall apply to such persons and vehicles when traveling to or from such work.

**Sec. -26. Authorized emergency vehicles.** (a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

- (1) Park or stand, irrespective of the provisions of this chapter;
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (3) Exceed the maximum speed limits so long as he does not endanger life or property;
- (4) Disregard regulations governing direction of movement or turning in specified directions.

(c) The exemptions granted in this section to an authorized emergency vehicle shall apply only when the vehicle is making use of authorized audible and visual signals, except as otherwise provided by county ordinance.

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

### PART IV. TRAFFIC SIGNS, SIGNALS AND MARKINGS

**Sec. -31. Obedience to and required traffic-control devices.** (a) The driver of any vehicle shall obey the instructions of any official traffic-control

device applicable thereto placed in accordance with law, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(b) No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, the section shall be effective even though no signs are erected or in place.

(c) Whenever official traffic-control devices are placed in position approximately conforming to law, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(d) Any official traffic-control device placed pursuant to law and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary is established by competent evidence.

**Sec. -32. Traffic-control signal legend.** Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green indication

- (1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at the place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
- (2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- (3) Unless otherwise directed by a pedestrian-control signal, as provided in section -33, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady yellow indication

- (1) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.



(2) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal as provided in section -33, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(c) Steady red indication

(1) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown, except as provided in the next succeeding paragraphs.

(2) The driver of a vehicle which is stopped in obedience to a steady red indication may make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection, except that counties by ordinance may prohibit any such right turn against a steady red indication, which ordinance shall be effective when a sign is erected at such intersection giving notice thereof.

(3) The driver of a vehicle on a one-way street which intersects another one-way street on which traffic moves to the left shall stop in obedience to a steady red indication but may then make a left turn into said one-way street, but shall yield right-of-way to pedestrians, proceeding as directed by the signal at said intersection except that counties may prohibit any such left turn as above described which ordinance shall be effective when a sign is erected at such intersection giving notice thereof.

(4) Unless otherwise directed by a pedestrian-control signal as provided in section -33, pedestrians facing a steady red signal alone shall not enter the roadway.

(d) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

**Sec. -33. Pedestrian-control signals.** Whenever special pedestrian-control signals, exhibiting the words "Walk" or "Don't Walk" are in place such signals shall indicate as follows:

(a) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(b) Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the Walk signal shall proceed to a sidewalk or safety island while the Don't Walk signal is showing.

**Sec. -34. Flashing signals.** (a) Whenever an illuminated flashing red or

yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(1) **Flashing Red (stop signal).** When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) **Flashing yellow (caution signal).** When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section -91.

**Sec. -35. Lane-direction-control signals.** When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

**Sec. -36. Display of unauthorized signs, signals, or markings.** (a) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(d) Every prohibited sign, signal, or marking is declared to be a public nuisance and the authority having jurisdiction over the highway is empowered to remove the same or cause it to be removed without notice.

**Sec. -37. Interference with official traffic-control devices or railroad signs or signals.** No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

#### **PART V. DRIVING ON RIGHT SIDE OF ROADWAY; OVERTAKING AND PASSING; USE OF ROADWAY**

**Sec. -41. Drive on right side of roadway; exceptions.** (a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same

direction under the rules governing such movement;

- (2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
- (3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
- (4) Upon a roadway designated and signposted one-way traffic.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (a) (2). This subsection shall not be construed to prohibit the crossing of the center line in making a left turn into or from an alley, private road, or driveway.

**Sec. -42. Passing vehicles proceeding in opposite directions.** Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

**Sec. -43. Overtaking a vehicle on the left.** The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

**Sec. -44. When overtaking on the right is permitted.** (a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

- (1) When the vehicle overtaken is making or about to make a left turn;
- (2) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for and with lanes marked for two or more lines of moving vehicles in each direction;
- (3) Upon a one-way street, or upon any roadway on which traffic is re-

stricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

**Sec. -45. Limitations on overtaking on the left.** No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by this part and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

**Sec. -46. Further limitation on driving on left of center of roadway.** (a) No vehicle shall be driven to the left side of the roadway under the following conditions:

- (1) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
- (2) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing;
- (3) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel.

(b) The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in section -41 (a) (2), nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

**Sec. -47. No-passing zones.** (a) The counties are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(b) Where signs or markings are in place to define a no-passing zone as set forth in subsection (a) no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(c) This section does not apply under the conditions described in section -41 (a) (2), nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

**Sec. -48. One-way roadways and rotary traffic islands.** (a) The director of transportation and the counties with respect to highways under their respec-

tive jurisdictions may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic-control devices.

(b) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices.

(c) A vehicle passing around a rotary traffic island shall be driven only to the right of the island.

**Sec. -49. Driving on roadways laned for traffic.** Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply.

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when the center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where the center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(c) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

(d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

**Sec. -50. Following too closely.** (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(b) The driver of a motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

**Sec. -51. Driving on divided highways.** Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to

impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a cross-over or intersection as established, unless specifically prohibited by public authority.

**Sec. -52. Restricted access.** No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

**Sec. -53. Restrictions on use of controlled-access roadway or highway.** (a) The director of transportation by order and the counties by ordinance, may regulate or prohibit the use of any controlled-access roadway or highway within their respective jurisdictions by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(b) The director of transportation or a county adopting any such prohibition shall erect and maintain official traffic-control devices on the controlled-access roadway or highway on which such prohibitions are applicable and when in place no person shall disobey the restrictions stated on such devices.

## PART VI. RIGHT OF WAY

**Sec. -61. Vehicle approaching or entering intersection.** (a) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(b) The right-of-way rule declared in subsection (a) is modified at through highways and otherwise as stated in this chapter.

**Sec. -62. Vehicle turning left.** The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

**Sec. -63. Vehicle entering stop or yield intersection.** (a) Preferential right of way at an intersection may be indicated by stop signs or yield signs.

(b) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right of way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the other highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

(c) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if

none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, the collision shall be deemed prima facie evidence of his failure to yield right of way.

**Sec. -64. Vehicle entering highway from private road or driveway.** The driver of a vehicle about to enter or cross a highway from an alley, building, private road, or driveway or from any public or private property other than a highway that is adjacent to the highway shall yield the right of way to all vehicles approaching on the highway to be entered.

**Sec. -65. Operation of vehicles on approach of authorized emergency vehicles.** (a) Except as otherwise provided by county ordinance, upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position clear of any intersection and parallel to, and as close as possible to, the right hand edge or curb of the highway or the nearest edge or curb when the highway has multiple lanes or when the highway is a divided highway or one-way street and shall stop and remain in such position until the authorized emergency vehicle is passed, except as otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

## PART VII. PEDESTRIANS' RIGHTS AND DUTIES

**Sec. -71. Pedestrian obedience to traffic-control devices and traffic regulations.** (a) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police officer.

(b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in sections -32 and -33.

(c) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

**Sec. -72. Pedestrians' right of way in crosswalks.** (a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) Subsection (a) shall not apply under the conditions stated in section -73 (b).

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

**Sec. -73. Crossing at other than crosswalks.** (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

**Sec. -74. Drivers to exercise due care.** Notwithstanding other provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding his horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

**Sec. -75. Pedestrians to use right half of crosswalks.** Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

**Sec. -76. Pedestrians on roadways.** (a) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

**Sec. -77. Pedestrians soliciting rides or business.** (a) Except as otherwise provided by county ordinance, no person shall stand in, walk along, or otherwise occupy a portion of a highway for the purpose of soliciting a ride, employment, business, or contributions from the occupant of any vehicle.

(b) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

**Sec. -78. Driving through safety zone prohibited.** No vehicle shall at any time be driven through or within a safety zone.

**Sec. -79. Pedestrians' right of way on sidewalks.** The driver of a vehicle emerging from or entering an alley, building, private road, or driveway shall yield the right of way to any pedestrian approaching on any sidewalk extending across the alley, building entrance, road, or driveway.



**PART VIII. TURNING AND STARTING AND  
SIGNALS ON STOPPING AND TURNING**

**Sec. -81. Required position and method of turning at intersections.**

The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left turns. The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(c) The director of transportation and the counties in their respective jurisdictions may cause official traffic-control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such devices are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.

**Sec. -82. Turning on curve or crest of grade prohibited.** No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.

**Sec. -83. Starting parked vehicle.** No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

**Sec. -84. Turning movements and required signals.** (a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section -81, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(d) The signals provided for in section -85 (b) shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

**Sec. -85. Signals by hand and arm or signal lamps.** (a) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (b).

(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

**Sec. -86. Method of giving hand-and-arm signals.** All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

(a) Left turn—hand and arm extended horizontally.

(b) Right turn—hand and arm extended upward.

(c) Stop or decrease speed—hand and arm extended downward.

### PART IX. SPECIAL STOPS REQUIRED

**Sec. -91. Obedience to signal indicating approach of train.** (a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of the vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of the railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train;

(3) A railroad train approaching within approximately fifteen hundred feet of the highway crossing emits a signal audible from that distance and the railroad train, by reason of its speed or nearness to the crossing, is an immediate hazard;

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed.

**Sec. -92. All vehicles must stop at certain railroad grade crossings.** The director of transportation and the counties are authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

**Sec. -93. Certain vehicles must stop at all railroad crossings.** (a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not

less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing the crossing and the driver shall not shift gears while crossing the track or tracks.

(b) No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

(c) This section shall not apply at street-railway grade crossings within a business or residence district.

**Sec. -94. Emerging from alley, driveway, or building.** The driver of a vehicle emerging from an alley, building, private road, or driveway or from any public or private property other than a highway that is adjacent to a sidewalk or sidewalk area shall stop the vehicle immediately prior to driving onto the sidewalk or onto the sidewalk area extending across the alley, building entrance, road, or driveway, or such public or private property, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

**Sec. -95. Overtaking and passing school bus.** (a) The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching the school bus when there is in operation on the school bus a visual signal and the driver, notwithstanding section -73(a), shall not proceed until the school bus resumes motion or is signaled by the schoolbus driver to proceed or the visual signals are no longer actuated.

(b) Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height and strokes not less than three-fourths inch in width, and in addition shall be equipped with visual signals which shall be actuated by the driver of the school bus whenever but only whenever the school bus is stopped on the highway outside of a business or residence district for the purpose of receiving or discharging school children.

(c) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all marking thereon indicating "SCHOOL BUS" shall be covered or concealed.

(d) Every school bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with visual signals in the form of signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing located at the same level, and these lights shall have sufficient intensity to be visible at 500 feet in normal sunlight.

(e) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a

loading zone which is a part of or adjacent to the highway and where pedestrians are not permitted to cross the highway.

### PART X. SPEED RESTRICTIONS

**Sec. -101. Basic rule.** No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curb, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic, or by reason of weather or highway conditions.

**Sec. -102. Noncompliance with speed limit prohibited.** (a) No person shall drive a motor vehicle at a speed greater than a maximum speed limit or at a speed less than a minimum speed limit established by county ordinance.

(b) The director of transportation with respect to highways under his jurisdiction may place signs establishing maximum speed limits or minimum speed limits. Such signs shall be official signs and no person shall drive a motor vehicle at a speed greater than a maximum speed limit or at a speed less than a minimum speed limit stated on such signs.

**Sec. -103. Racing on highways.** (a) No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition.

(b) Drag race is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

(c) Racing is defined as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.

(d) Any person who violates this section shall be fined not more than \$500 or imprisoned not more than six months, or both.

### PART XI. STOPPING, STANDING AND PARKING

**Sec. -111. Noncompliance with stopping, standing, or parking requirements prohibited.** (a) No person shall stop, stand, or park any vehicle in violation of requirements established by county ordinance.

(b) The director of transportation with respect to highways under his jurisdiction may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where in his opinion, the stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic. Such signs shall be official signs and no person shall stop,

stand, or park any vehicle in violation of the restrictions stated on such signs.

## PART XII. MISCELLANEOUS RULES

**Sec. -121. Unattended motor vehicle.** No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

**Sec. -122. Limitations on backing.** (a) The driver of a vehicle shall not back it unless such movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back it upon any shoulder or roadway of any controlled-access highway.

**Sec. -123. Driving upon sidewalk.** No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or authorized temporary driveway.

**Sec. -124. Obstruction to driver's view or driving mechanism.** (a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

**Sec. -125. Opening and closing vehicle doors.** No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

**Sec. -126. Riding in house trailers.** No person or persons shall occupy a house trailer while it is being moved upon a public highway.

**Sec. -127. Coasting prohibited.** The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears or transmission of the vehicle in neutral or with the clutch disengaged.

**Sec. -128. Following emergency vehicle prohibited.** The driver of any vehicle other than one an official business shall not follow any emergency vehicle traveling in response to an emergency closer than five hundred feet or drive or park such vehicle within five hundred feet of where the emergency vehicle has stopped in answer to a fire alarm.

**Sec. -129. Crossing fire hose.** No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road, or driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

## PART XIII. OPERATION OF BICYCLES AND PLAY VEHICLES

**Sec. -141. Effect of regulations.** (a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this part.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate this chapter.

(c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

**Sec. -142. Traffic laws apply to persons riding bicycles.** Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this part and except as to those provisions of this chapter which by their nature can have no application.

**Sec. -143. Riding on bicycles.** (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereon.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

**Sec. -144. Clinging to vehicles.** No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach it or himself to any vehicle upon a roadway.

**Sec. -145. Riding on roadways and bicycle paths.** (a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(c) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use the path and shall not use the roadway.

**Sec. -146. Carrying articles.** No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handle bars.

**Sec. -147. Lamps and other equipment on bicycles.** (a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear which shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(b) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(c) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

#### PART XIV. SPECIAL RULES FOR MOTORCYCLES

**Sec. -151. Traffic laws apply to persons operating motorcycles.** Every person operating a motorcycle shall be granted all of the rights and shall be

subject to all of the duties applicable to the driver of any other vehicle under this chapter, except as to special regulations in this part and except as to those provisions of this chapter which by their nature can have no application.

**Sec. -152. Riding on motorcycles.** (a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(c) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.

(d) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

**Sec. -153. Operating motorcycles on roadways laned for traffic.** (a) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

(b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(d) Motorcycles shall not be operated more than two abreast in a single lane.

(e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties.

**Sec. -154. Clinging to other vehicles.** No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway.

**Sec. -155. Footrests and handlebars.** (a) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.

(b) No person shall operate any motorcycle with handlebars more than fifteen inches in height above that portion of the seat occupied by the operator.

#### **PART XV. PENALTY: RESPECTIVE POWERS OF STATE AND COUNTIES**

**Sec. -161. Penalties.** (a) It is a misdemeanor for any person to violate any of the provisions of this chapter unless the violation is by other law of this state declared to be a felony.

(b) Every person who violates any provision of this chapter for which another penalty is not provided, shall for a first conviction thereof be fined not more than \$100 or imprisoned not more than ten days; for conviction of a second offense committed within one year after the date of the first offense,

the person shall be fined not more than \$200 or imprisoned not more than twenty days, or by both fine and imprisonment; for conviction of a third or subsequent offense committed within one year after the date of the first offense, the person shall be fined not more than \$500 or imprisoned not more than six months, or by both fine and imprisonment.

**Sec. -162. Provisions uniform throughout state.** This chapter shall be applicable and uniform throughout the state and in all political subdivisions therein provided that any matter not covered in this chapter relating to rules of the road may be subject to appropriate county ordinances in any county.

**Sec. -163. Powers of counties.** (a) This chapter shall not be deemed to prevent counties with respect to streets and highways under their jurisdiction from:

- (1) Regulating or prohibiting stopping, standing, or parking;
- (2) Regulating traffic by means of police officers or official traffic-control devices;
- (3) Regulating or prohibiting processions or assemblages on the highways;
- (4) Designating particular highways or roadways for use by traffic moving in one direction;
- (5) Establishing speed limits for vehicles in public parks;
- (6) Designating any highway as a through highway or designating any intersection as a stop or yield intersection;
- (7) Restricting the use of highways;
- (8) Regulating the operation and equipment of and requiring the registration and inspection of bicycles, including the requirement of a registration fee;
- (9) Regulating or prohibiting the turning of vehicles or specified types of vehicles;
- (10) Altering or establishing speed limits;
- (11) Requiring written accident reports;
- (12) Designating no-passing zones;
- (13) Prohibiting or regulating the use of controlled-access roadways by any class or kind of traffic;
- (14) Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;
- (15) Establishing minimum speed limits;
- (16) Designating hazardous railroad grade crossing;
- (17) Designating and regulating traffic on play streets;
- (18) Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk;
- (19) Restricting pedestrian crossing at unmarked crosswalks;
- (20) Regulating persons propelling push carts;
- (21) Regulating persons upon skates, coaster, sleds, and other toy vehicles;
- (22) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions;
- (23) Adopting maximum and minimum speed limits on streets and



highways within their respective jurisdictions;

(24) Adopting requirements on stopping, standing, and parking on streets and highways within their respective jurisdictions;

(25) Adopting such other traffic regulations as are specifically authorized by this chapter.

(b) No local authority shall erect or maintain any official traffic control device at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the director of transportation."

SECTION 2. Part I of Chapter 291, Hawaii Revised Statutes, is amended by adding a section to be appropriately designated and to read as follows:

"**Sec. 291- . Inattention to Driving.** Whoever operates any vehicle without due care or in a manner as to cause a collision with any person, vehicle or other property shall be fined not more than \$500 or imprisoned not more than six months, or both."

SECTION 3. The following sections of the Hawaii Revised Statutes are repealed:

(1) Section 291-2;

(2) Section 291-3;

(3) Section 291-21.

SECTION 4. This Act shall take effect on January 1, 1972.

(Approved May 30, 1971.)

ACT 151

H. B. NO. 148

A Bill for an Act Relating to Competency of Spouses as Witness and Amending Section 621-18 of the Hawaii Revised Statutes.

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

SECTION 1. Section 621-18 of the Hawaii Revised Statutes is hereby amended to read as follows:

"**Section 621-18. Witness in criminal cases.** Nothing herein shall render any person who in any criminal proceeding is charged with the commission of any indictable offense, or any offense punishable on summary conviction, compellable to be a witness against himself; or, except as hereinafter mentioned, shall render any person compellable to answer any question tending to incriminate himself, or shall in any criminal proceeding render any husband competent or compellable to give evidence against his wife, or any wife competent or compellable to give evidence against her husband, except in such cases where the evidence may now be given and in such cases in which the accused is charged with the commission of an offense against the person of his wife or of her husband or of the children of either party to the marriage provided that in all criminal proceedings the husband or wife of the party accused shall be a competent witness for the defense."

SECTION 2. Material to be repealed is bracketed. New material is

## ACT 152

underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 30, 1971.)

## ACT 152

H. B. NO. 237

A Bill for an Act Relating to Service-Connected Disability Retirement.

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

SECTION 1. **Purpose and legislative findings.** The purpose of this Act is to amend service-connected total and occupational disability retirement statutes to include sewer workers.

The legislature finds that sewer workers, like firemen, face hazardous conditions, such as exposure to hydrogen sulfide, natural gases, oxygen deficiency, and other noxious gases which may have injurious effects on the heart, lungs, and respiratory system. The legislature further finds that firemen receive disability retirement benefits against working under similar hazardous conditions.

SECTION 2. Section 88-77, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) In the case of firemen and sewer workers, the cumulative effect of the inhalation of smoke, toxic gases, chemical fumes, and other toxic vapors on the heart, lungs, and respiratory system shall be construed as an injury received or disease contracted while in the performance of their duty and as the cumulative result of some occupational hazard for the purpose of determining total disability retirement under this section.”

SECTION 3. Section 88-79, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) In the case of firemen and sewer workers, the cumulative effect of the inhalation of smoke, toxic gases, chemical fumes, and other toxic vapors on the heart, lungs, and respiratory system shall be construed as an injury received or disease contracted while in the performance of their duty and as the cumulative result of some occupational hazard for the purpose of determining occupational disability retirement under this section.”

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 30, 1971.)

## ACT 153

H. B. NO. 374

A Bill for an Act Relating to Expenses for the Treatment of Mental Illness, Drug Addiction and Alcoholism.

\* Edited accordingly.

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

SECTION 1. Section 334-6 (a) and (b), Hawaii Revised Statutes, is amended to read:

“(a) The director may make reasonable charges for outpatient professional and other personal services rendered to patients. In making the charges, the director shall take into consideration the financial circumstances of the patient and his family, and no charges shall be made where in the judgment of the director, the same might tend to make the patient or his family a public charge or to deprive the patient and his family of necessary support.

“(b) Every person not indigent or medically indigent hospitalized at a psychiatric facility under the jurisdiction of the State or a county, or at a psychiatric facility which derives more than fifty per cent of its revenues from the general fund of the State, shall be liable for the expenses attending his reception, maintenance, and treatment at the facility, and any property not exempt from execution belonging to the person shall be subject to sequestration for the payment of the expenses. Every non-indigent parent or legal guardian of a patient who is a minor and every non-indigent spouse of a patient shall be liable for the expenses attending the reception, maintenance, and treatment of his child or spouse who is hospitalized at a psychiatric facility under the jurisdiction of the State or a county, or at a psychiatric facility which derives more than fifty per cent of its revenues from the general fund of the State. The director may adjust the amount of the liability, taking into consideration the financial circumstances of the patient and his family, so that the charges imposed will not tend to make the patient or his family a public charge or deprive them of necessary support.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 30, 1971.)

ACT 154

H. B. NO. 385

A Bill for an Act Relating to Employees of the Department of Land and Natural Resources.

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

SECTION 1. Section 171-8, Hawaii Revised Statutes, is amended to read:

“**Section 171-8 State ranger, district ranger, land agents and other employees.** The board of land and natural resources shall appoint a state ranger of all public lands, whose duties shall be to examine and inspect the public lands and to observe and determine whether this chapter and patents,

\* Edited accordingly.

leases, deeds, licenses, agreements, or other instruments in respect to the public lands are being complied with by tenants, lessees, licensees, grantees, or other persons occupying or possessing the public lands. The state ranger shall report to the designated representative of the board and otherwise discharge the duties in respect to public lands as such designated representative may require.

The board shall be represented in each land district by one or more district rangers and by a land agent. The board may employ other necessary employees.

The duties of the district rangers, in addition to other duties which may be assigned by the board, shall be to observe and see that this chapter is complied with in their respective districts.

The land agent shall exercise the powers and duties delegated to him by the board and shall report to the designated representative of the board.

The appointment, removal, and compensation of state ranger, district rangers, land agents, and other employees shall be determined in accordance with chapters 76 and 77.

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material or the underscoring.\*

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

(Approved May 30, 1971.)

ACT 155

H. B. NO. 791

A Bill for an Act Making an Appropriation to Aid Low-Income Groups in Establishing Small Economic Enterprises.

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

SECTION 1. **Findings and purpose.** Approximately 20 percent of the families in the State of Hawaii earn less than \$4,200 per year.

Many of these unfortunate families, unable to meet the most basic living needs, receive assistance from the Department of Social Services and Housing. Other low-income families, however, may not receive assistance from the Department of Social Services and Housing for a variety of reasons including: a desire not to accept welfare, fear of State and Federal bureaucracies and lack of information concerning eligibility for various types of assistance.

Many low-income families have wage earners but their incomes are inadequate to meet normal living expenses, not to mention sudden emergencies. Even the individual employed full-time at the minimum wage level earns only \$3,200 per year. (Other families with low incomes are characterized by seasonal unemployment.)

Low-income families often enter a cycle whereby they are minimally self-sufficient during periods of employment, but become welfare recipients

\* Edited accordingly.

during periods of temporary layoff or seasonal unemployment. This employment-welfare cycle is costly to individuals in terms of self-respect and dignity and to the State in dollars. The cycle is set in motion because of inadequate and unstable incomes and the lack of savings. The intent of this Act is to provide an innovative approach of income supplement and stabilization to low-income families. If these objectives are achieved, this program should demonstrate the feasibility of breaking the employment-welfare cycle and lessen growing welfare rolls.

**SECTION 2. Appropriation.** There is appropriated out of the general revenues of the State of Hawaii, the sum of \$50,000, or so much thereof as may be necessary, to the Hawaii Office of Economic Opportunity for the purpose of providing grants-in-aid, not in excess of \$7,500 for any one grant, to low-income individuals, families, groups of families or other groups that wish to establish small economic enterprises for the purposes of income supplement; provided that the sum of \$5,000 from the total amount appropriated may be expended by the Hawaii Office of Economic Opportunity for the development and administration of evaluation techniques and program monitoring; and provided, further, that the Hawaii Office of Economic Opportunity shall report its findings of the program evaluation to the Legislature at least twenty days prior to the beginning of the next regular session of the Legislature.

In determining "low income", the guidelines used by the United States Office of Economic Opportunity will be followed.

**SECTION 3. Effective date.** This Act shall take effect on July 1, 1971.  
(Approved May 30, 1971.)

## ACT 156

H. B. NO. 1374

A Bill for an Act Amending Section 46-44 of the Hawaii Revised Statutes, Relating to Destruction of Warrants, Bonds, etc.

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

**SECTION 1.** Section 46-44 of the Hawaii Revised Statutes is hereby amended to read as follows:

**"Section 46-44. Destruction of paid or cancelled warrants, bonds and interest coupons.** The director of finance of each county with the approval of the legislative body and the legal advisor of such county, may authorize the destruction by burning, machine shredding, chemical disintegration, or any acceptable method of disposal of (1) all warrants of the county which have been paid and which bear any date ten years prior to the date of destruction, and (2) all bonds and interest coupons of the county which have been cancelled or paid and which bear any date two years prior to the date of destruction. The director of finance shall submit such reports on the destruction as may be required by the legislative body."

**SECTION 2.** Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not

**ACT 157**

include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 30, 1971.)

**ACT 157**

H. B. NO. 1511

A Bill for an Act Relating to Ordinary Disability Retirement in Public Service.

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

SECTION 1. Section 88-65, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 88-65 Ordinary disability retirement.** Upon the application of a member in service or on leave without pay or of the head of his department, any member who has had ten or more years of creditable service shall be retired by the board of trustees, not less than thirty and not more than ninety days next following the date of filing the application, on an ordinary disability retirement allowance if the medical board after a medical examination of the member certifies that:

- (1) He is mentally or physically incapacitated for the further performance of duty;
- (2) The incapacity is likely to be permanent; and
- (3) The member should be retired.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 30, 1971.)

**ACT 158**

H. B. NO. 1587

A Bill for an Act Relating to Exemptions from Real Property Taxes for Persons of Retirement Age.

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

SECTION 1. **Purpose.** The purpose of this bill is to correct inequities in the tax law by: (1) recognizing the purchase of life occupancy retirement apartment as a type of real property transaction, and (2) realizing that a life occupancy retirement apartment falls within the definition of the word “home” in relation to real property tax law, in order to insure that any individual or his or her surviving spouse owning and occupying a life occupancy retirement apartment used as a residence shall enjoy equitable treatment in reference to exemptions from real property taxes.

SECTION 2. Section 246-4, Hawaii Revised Statutes, is amended to read as follows:

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\* Edited accordingly.

**“Sec. 246-4 Assessment of property; to whom in general.** Real property shall be assessed in its entirety to the owner thereof; provided that where improved residential land has been leased for a term of fifteen years or more, the real property shall be assessed in its entirety to the lessee or his successor in interest holding the land for such term under such lease and the lessee or successor in interest shall be deemed the owner of the real property in its entirety for the purposes of this chapter; provided, however, that the lease and any extension, renewal, assignment, or agreement to assign the lease (1) shall have been duly entered into and recorded in the bureau of conveyances or filed in the office of the assistant registrar of the land court prior to January 1 preceding the applicable tax year, and (2) shall provide that the lessee shall pay all taxes levied on the property during the term of the lease.

“Improved residential land” as used herein means land improved with a single family dwelling on it.

For the purposes of this chapter, life tenants, executors, administrators, trustees, guardians, or other fiduciaries may be, and persons holding government property under an agreement for the conveyance of the same to such persons shall be considered as owners during the time any real property is held or controlled by them as such. Lessees holding under any government lease shall be considered as owners during the time any real property is held or controlled by them as such, as more fully provided in section 246-36; and further, notwithstanding any provision to the contrary in this chapter, any tenant occupying government land, whether such occupancy be on a permit, license, month to month tenancy, or otherwise, shall be considered as owner where such occupancy has continued for a period of one year or more, as more fully provided in section 246-36. Persons holding any real property under an agreement to purchase the same, shall be considered as owners during the time the real property is held or controlled by them as such; provided the agreement to purchase (1) shall have been recorded in the bureau of conveyances, and (2) shall provide that the purchasers shall pay the real property taxes levied on the property. Persons holding any real property under a lease for a term to last during the lifetime of the lessee, shall be considered as owners during the time the real property is held or controlled by them as such; provided that the lease (1) shall have been duly entered into and recorded in the bureau of conveyances or filed in the office of the assistant registrar of the land court prior to July 1 of the tax year for which the assessment is made, and (2) shall provide that the lessee shall pay all taxes levied on the property during the term of the lease.”

SECTION 3. Section 246-27, Hawaii Revised Statutes, is amended by adding a new subsection to read as follows:

“(7). An apartment which is a living unit (held under a lease by the tenant thereof) in a multi-unit residential building used for retirement purposes under a lease for a term to last during the lifetime of the lessee and his or her surviving spouse and which apartment is used as a residence by the lessee and his or her surviving spouse, and where the apartment unit reverts back to the lessor upon the death of the lessee and his or her surviving spouse, and

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where the lease has been duly entered into and recorded prior to July 1 of the tax year for which the exemption is claimed, and whereby the lessee agrees to pay all taxes during the term of the lease.”

SECTION 4. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 5. This Act, upon its approval, shall be effective for those tax years beginning on and after July 1, 1971.

(Approved May 30, 1971.)

## ACT 159

S. B. NO. 121

A Bill for an Act Relating to Workmen's Compensation.

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

SECTION 1. Section 386-92, Hawaii Revised Statutes, is amended to read:

“**Section 386-92 Default in payments of compensation, penalty.** If any compensation payable under the terms of final decision or judgment is not paid by a self-insured employer or an insurance carrier within thirty-one days after it becomes due, as provided by such final decision or judgment, or if any temporary total disability benefits are not paid by said employer or carrier within ten days, exclusive of Saturdays, Sundays, and holidays, after being notified of the disability, and where the right to said benefits are not controverted, there shall be added to the unpaid compensation an amount equal to ten per cent thereof payable at the same time as, but in addition to, the compensation, unless the nonpayment is excused by the director of labor and industrial relations after a showing by said employer or insurance carrier that the payment of the compensation could not be made on the date prescribed therefor owing to the conditions over which he had no control.”

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

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

(Approved May 30, 1971.)

## ACT 160

S. B. NO. 210

A Bill for an Act Relating to Powers of the Department of Transportation.

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

SECTION 1. Chapter 261, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

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\* Edited accordingly.



**“PART . SPECIAL FACILITY PROJECTS**

**Sec. 261- Definitions.** For the purpose of this part, if not inconsistent with the context:

- (1) ‘Special Facility’ means one or more buildings, structures or facilities and the land thereof for the servicing of aircraft, for aeronautics, for airports or for the comfort, accommodation and convenience of air travelers and airline employees which is the subject of a special facility lease.
- (2) ‘Special Facility Lease’ includes a contract, lease or other agreement, or any combination thereof, the subject matter of which is the same special facility.
- (3) ‘Remodeling’ includes reconstruction, renovation, rehabilitation, improvement, betterment or extension of a special facility.

**Sec. 261- Powers.** In addition and supplemental to the powers granted to the department by law, the department may:

- (1) With the approval of the governor, and without public bidding, enter into a special facility lease or an amendment or supplement thereto whereby the department agrees to construct, acquire or remodel and furnish or equip a special facility solely for the use by such other person to a special facility lease.
- (2) With the approval of the governor, issue special facility revenue bonds in such principal amounts as may be necessary to yield the amount of the cost of any construction, acquisition, remodeling, furnishing and equipping of any special facility, including the costs of acquisition of the site thereof; provided that the total principal amount of the special facility revenue bonds which may be issued pursuant to the authorization of this paragraph shall not exceed \$15,000,000.
- (3) Perform and carry out the terms and provisions of any special facility lease.
- (4) Notwithstanding section 103-7 or any other law to the contrary, acquire, construct or remodel and furnish or equip any special facility, or accept the assignment of any contract therefor entered into by the other person to the special facility lease.
- (5) Construct any special facility on land owned by the State or on land or rights or interests in land acquired for that purpose.
- (6) Agree with the other person to the special facility lease whereby any acquisition, construction, remodeling, furnishing or equipping of the special facility and the expenditure of moneys therefor shall be undertaken or supervised by such other person. Neither such undertaking by such other person nor the acceptance by the department of a contract theretofore entered into by such other person therefor, shall be subject to the provisions of section 103-22.

**Sec. 261- Findings and determination for special facility leases.** The department shall not enter into any special facility lease unless the department at or prior to the entering into of such special facility lease shall find and determine; (1) that the building, structure or facility which is to be the subject of such special facility lease will not be used to provide services, com-

modities, supplies or facilities which are then adequately being made available through the airports system of the State; (2) that the result of the use or occupancy of such building, structure or facility under such special facility lease would not result in the reduction of the revenues derived from the airports system to an amount below the amount required to be derived therefrom by section 39-59; and (3) that the entering into of such special facility lease would not be in violation of or result in a breach of any covenant contained in any resolution or certificate authorizing any bonds of the State then outstanding.

**Sec. 261- Special facility lease.**

(a) In addition to the conditions and terms set forth in this part, any special facility lease entered into by the department shall contain provisions obligating the other person to the special facility lease:

- (1) To pay to the department during the initial term of the special facility lease, whether the special facility is capable of being used or occupied or is being used or occupied by the other person, a rental or rentals at such time or times and in such amount or amounts that will be sufficient: to pay the principal and interest on all special facility revenue bonds issued for the special facility, to establish or maintain any reserves for such payments, and to pay all fees and expenses of the trustees, paying agents, transfer agents and other fiscal agents for the special facility revenue bonds issued for the special facility.
- (2) To pay to the department a ground rental, equal to the fair market rental of the land, if the land on which the special facility was not acquired from the proceeds of the special facility revenue bonds or to pay to the department a properly allocable share of the administrative costs of the department in carrying out the special facility lease and administering the special facility revenue bonds issued for the special facility, if the land was acquired from the proceeds of the special facility revenue bond.
- (3) To either operate, maintain and repair such special facility and pay the costs thereof or to pay to the department all costs of operation, maintenance and repair of the special facility.

Any moneys received by the department pursuant to subsections (a) (2) and (a) (3) of this section shall be paid into the airport revenue fund and shall not be nor be deemed to be revenues of the special facility.

(b) The term and all renewals and extensions of the term of any special facility lease (including any amendments or supplements thereto) shall not extend beyond the lesser of the reasonable life of the special facility which is the subject of such special facility lease, as estimated by the department at the time of the entering into thereof, or thirty years.

(c) Any special facility lease entered into by the department shall be subject to chapter 171 and shall contain such other terms and conditions as the department deems advisable to effectuate the purposes of this part.

**Sec. 261- Special facility revenue bonds.** All special facility revenue

bonds authorized to be issued shall be issued pursuant to the provisions of sections 39-51 to 39-70, except as follows:

- (1) No such revenue bonds shall be issued unless at the time of issuance the department shall have entered into a special facility lease with respect to the special facility for which such revenue bonds are to be issued.
- (2) Such revenue bonds shall be issued in the name of the department, and not in the name of the State.
- (3) No further authorization of the legislature shall be required for the issuance of the special facility revenue bonds, but the approval of the governor shall be required for such issuance.
- (4) Such revenue bonds shall be payable solely from and secured solely by the revenues derived by the department from the special facility for which they are issued.
- (5) The final maturity date of such revenue bonds shall not be later than either the estimated life of the special facility for which they are issued or the initial term of the special facility lease.
- (6) If deemed necessary or advisable by the department, or to permit the obligations of the other person to the special facility lease to be registered under the U.S. Securities Act of 1933, the department with the approval of the State director of finance may appoint a national or state bank within or without the State to serve as trustee for the holders of the revenue bonds and may enter into a trust indenture or trust agreement with such trustee. The trustee may be authorized by the department to collect, hold and administer the revenues derived from the special facility for which the revenue bonds are issued and to apply such revenues to the payment of the principal and interest on such revenue bonds. In the event that any such trustee shall be appointed, any trust indenture or agreement entered into by the department with the trustee may contain the covenants and provisions authorized by sections 39-51 to 39-70 to be inserted in a resolution adopted or certificate issued, as though the words 'resolution' or 'certificate' as used in those sections read 'trust indenture or agreement'. Such covenants and provisions shall not be required to be included in the resolution or certificate authorizing the issuance of the revenue bonds if included in the trust agreement or indenture. Any resolution or certificate, trust indenture or trust agreement adopted, issued or entered into by the department pursuant to this part may also contain any provisions required for the qualification thereof under the U.S. Trust Indenture Act of 1939. The department may pledge and assign to the trustee the special facility lease and the rights of the department including the revenues thereunder.
- (7) The department may sell such revenue bonds either at public or private sale.
- (8) If no trustee shall be appointed to collect, hold and administer the revenues derived from the special facility for which such revenue bonds are issued, such revenues shall be held in a separate account in the treasury of the State, separate and apart from the airport

revenue fund, to be applied solely to the carrying out of the resolution, certificate, trust indenture or trust agreement authorizing or securing such revenue bonds.

- (9) If the resolution, certificate, trust indenture or agreement shall provide that no revenue bonds issued thereunder shall be valid or obligatory for any purpose unless certified or authenticated by the trustee for the holders of such revenue bonds, signatures of the officers of the State upon such bonds required by section 39-64 may be facsimilies of their signatures.
- (10) Proceeds of such revenue bonds may be used and applied by the department to reimburse the other person to the special facility lease for all preliminary costs and expenses, including architectural and legal costs.
- (11) If the special facility lease shall require the other person to operate, maintain and repair the special facility which is the subject of such lease, at his expense, such requirement shall constitute compliance by the department with section 39-59 (2) and none of the revenues derived by the department from such special facility shall be required to be applied to the purposes of section 39-60 (2). Sections 39-60 (4), 39-60 (5) and 39-60 (6) shall not be applicable to the revenues derived from a special facility lease."

SECTION 2. **Effective Date.** This Act shall take effect upon its approval.

(Approved May 30, 1971.)

ACT 161

S. B. NO. 373

A Bill for an Act Relating to Acquisition of Lanai Community Hospital, Lanai City, Hawaii.

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

SECTION 1. **Purpose.** The purpose of this Act is to enable the State of Hawaii to assume ownership and operation of Lanai Community Hospital. Since December 20, 1965 the hospital has been owned and operated by the community of Lanai City as a nonprofit corporation. For many years the State government has subsidized the operational deficits of the hospital. By Act 195, Session Laws of Hawaii 1965, the State appropriated the sum of \$240,000 to construct a general hospital which is now the principal facility at Lanai Community Hospital. On December 19, 1969, the Board of Trustees of the hospital unanimously voted to request the State to take over the Lanai Community Hospital and to make it a part of the Maui Memorial Hospital.

SECTION 2. **Definitions.** As used in this Act, unless the context otherwise requires:

“Department” means the Department of Health of the State. “Hospital” means the Lanai Community Hospital.

SECTION 3. **Transfer.** Lanai Community Hospital is to be a State Hospital. With the written approval of the Board of Trustees of the hospital

and the Governor, the department shall assume responsibility for all matters pertaining to the planning, construction, and improvement of the hospital and shall operate and manage the hospital and perform all acts necessary or convenient to such management and control.

The employees of the hospital employed on the effective date of this Act shall be transferred to the department and shall thereafter be State employees and enjoy all of the rights, privileges, and benefits of employees of the State, subject, however, to the following conditions:

- (a) the director of personnel services shall determine the applicability of chapters 76 and 77 of Hawaii Revised Statutes to the transferred employees;
- (b) employees employed by the hospital at least one full year immediately preceding the date of transfer shall be given status as regular employees of the state civil service without competitive examination; and,
- (c) employees employed less than one full year shall be given initial probationary appointment without competitive examination.

**SECTION 4. Civil service compensation.** Positions held by transferred employees shall be assigned by the director of personnel services to the appropriate class in the position classification plan and the employees shall be paid in accordance with the salary range to which the class is assigned; provided that employees receiving a salary above the minimum rate at the time of their transfer may be paid at a rate higher than the minimum but not exceeding the highest pay rate in the appropriate salary range.

**SECTION 5. Vacation; sick leave.** Upon certification by the hospital of accumulated and earned vacation and sick leave, the transferred employees shall be credited under chapter 79, Hawaii Revised Statutes, with their accumulated and earned vacation and sick leave to the extent that public employees are allowed to earn and accumulate these credits.

**SECTION 6. Retirement system.** Upon the transfer, the employees shall be admitted to membership in the State pension and retirement systems provided for in chapter 88, Hawaii Revised Statutes. Upon certification of years of service by the department, a transferred employee shall be given prior service credits under chapter 88, Hawaii Revised Statutes, for his years of service at the hospital for which he agrees to have additional deductions made from his compensation or to make a lump sum payment therefor.

**SECTION 7. Citizenship; residency.** The requirements as to citizenship and residency in section 78-1, Hawaii Revised Statutes, shall not apply to employees transferred from the hospital to the department.

**SECTION 8. Transfer of personal property.** All records, equipment, machinery, motor vehicles, files, supplies, contracts, books, papers, documents, maps, and other personal property of every kind and description of the hospital shall be transferred to the department without reimbursement to the hospital. The hospital shall prepare inventory lists and receipts to account properly for such transfer.

Any dispute as to whether particular personal property should be

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transferred to the State under this Act shall be determined by the director of health.

**SECTION 9. Transfer of real property.** The hospital shall transfer to the State all of its respective interest in and to any real property and the improvements thereto. The conveyances shall be without reimbursement to the hospital.

**SECTION 10. Authorization to establish and expend special fund.** Upon transfer of the hospital, the department is hereby authorized to establish a special fund, to be known as the Lanai Hospital Special Fund, to which shall be deposited such receipts and revenues as may accrue to the hospital by virtue of services rendered, or such sums as may be donated, or such sums as may be appropriated from general revenues of the State, and from which the department may expend for the purpose of operating and maintaining the hospital.

**SECTION 11. Budgeting and fiscal procedures.** Beginning with the biennial period July 1, 1971 through June 30, 1973, and thereafter, the hospital shall be subject to such budgeting and fiscal procedures as may be required by the department.

**SECTION 12. Severability.** If any provision of this Act, or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

**SECTION 13. Effective date.** This Act shall take effect on July 1, 1971.  
(Approved May 30, 1971.)

## ACT 162

S. B. NO. 454

A Bill for an Act Relating to the Solicitation of Funds from the Public.  
*Be It Enacted by the Legislature of the State of Hawaii:*

**SECTION 1.** Section 467B-2(c), Hawaii Revised Statutes, is amended to read:

“(c) The registration forms and other documents prescribed by the director shall be signed by an authorized officer and by the chief fiscal officer of the charitable organization and shall be verified by oath.”

**SECTION 2.** Section 467B-4, Hawaii Revised Statutes, is amended to read:

“**Sec. 467B-4 Nonresident registration.** Any charitable organization, professional fund raiser, professional solicitor, or resident having its principal place of business without the State or organized under any by virtue of the laws of a foreign state, which solicits contributions from people in this State, shall be deemed to have irrevocably appointed the director as its agent upon whom may be served any summons, subpoena, subpoena duces tecum or other process directed to such charitable organization, or any partner, principal,

officer, or director thereof, or to such professional solicitor, in any action or proceeding brought by the attorney general under this chapter. Service of such process upon the director shall be deemed sufficient service; provided that notice of the service and a copy of the process are sent by the director to the charitable organization, professional fund raiser or professional solicitor by registered mail with return receipt requested, at its office as set forth in the registration form required to be filed by this chapter or, in default of the filing of such form, at the last address known to the director. The service of process shall be completed within ten days after the receipt by the director of a return receipt purporting to be signed by the addressee or a person qualified to receive its registered mail or if acceptance was refused by the addressee or its agent, ten days after the return to the director of the original envelope bearing a notation by the postal authorities that receipt thereof was refused."

SECTION 3. Section 467B-5, Hawaii Revised Statutes, is amended to read:

**"Sec. 467B-5 Records to be kept by charitable organizations, professional fund-raising counsel and professional solicitors.** Every charitable organization subject to this chapter shall, in accordance with the rules and regulations prescribed by the director, keep true and accurate fiscal records as to its activities in the State in the form as will accurately provide the information required by this chapter. Upon demand, the records shall be made available to the director for inspection. Such records shall be retained for a period of three years after the end of the period of registration to which they relate."

SECTION 4. Section 467B-10(f), Hawaii Revised Statutes, is amended to read:

"(f) Whenever the director has reason to believe that any charitable organization, professional fund-raising counsel or professional solicitor is operating in violation of this chapter or has knowingly and wilfully made any false statement in any registration application or statement, report or other information required to be filed by this chapter or whenever a charitable organization, professional fund-raising counsel or professional solicitor fails to file a registration statement required by this chapter, or whenever there is employed or is about to be employed in any solicitation or collection of contributions for a charitable organization any device, scheme or artifice to defraud or to obtain money or property by means of any false pretense, representation or promise, or whenever the officers or representatives of any charitable organization, professional fund-raising counsel or professional solicitor have refused or failed after notice to produce any records of the organization, or whenever the funds raised by solicitation activities are not devoted or will not be devoted to the charitable purposes of the charitable organization, in addition to all other actions authorized by law, the director may bring an action in the name of the State against the charitable organization and its officers, or professional fund-raising counsel or professional solicitor or any person employing any device, scheme, artifice, false representation or promise, to defraud or obtain money or other property, to enjoin the charitable organization, or professional fund-raising counsel or professional solicitor or other person from continuing the violation, solicitation or collection, or en-

gaging therein, or doing any acts in furtherance thereof and for such other relief as the court deems appropriate.”

SECTION 5. Section 467B-10(g), Hawaii Revised Statutes, is amended to read:

“(g) The director may exercise the authority granted in this section against any charitable organization which operates under the guise or pretense of being an organization exempted by the provisions of section 467B-11, and is not in fact an organization entitled to such an exemption.”

SECTION 6. Section 467B-11, Hawaii Revised Statutes, is amended to read:

“**Sec. 467B-11 Exemptions.** This chapter shall not apply to:

- (1) A corporation sole or other religious corporation, trust or organization incorporated or established for religious purpose, nor to any agency or organization incorporated or established for charitable, hospital or educational purposes and engaged in effectuating one or more of such purposes, that is affiliated with, operated by, or supervised or controlled by a corporation sole or other religious corporation, trust or organization incorporated or established for religious purposes, nor to other religious agencies or organizations which serve religion by the preservation of religious rights and freedom from persecution or prejudice or by fostering religion, including the moral and ethical aspects of a particular religious faith.
- (2) Educational institutions that are recognized by the director or that are accredited by a regional accrediting association or by an organization affiliated with the national commission on accrediting, any foundation having an established identity with any of the aforementioned educational institutions, any other educational institution confining its solicitation of contributions to its student body, alumni, faculty and trustees, and their families, or a library established under the laws of this State; provided that the annual financial report of the institution or library shall be filed with the director.
- (3) Persons requesting contributions for the relief of any individual specified by name at the time of the solicitation when all of the contributions collected without any deductions whatsoever are turned over to the named beneficiary for his use.
- (4) Charitable organizations which do not intend to solicit and receive and do not actually raise or receive contributions from the public in excess of \$4,000 during a calendar year or do not receive contributions from more than ten persons during a calendar year, if all of their functions, including fund-raising activities, are carried on by persons who are unpaid for their services and if no part of the assets or income of the charitable organization inures to the benefit of or is paid to any officer or member thereof. Nevertheless, if the contributions raised from the public, whether all is or is not received by any charitable organization during any calendar year, shall be in excess of \$4,000, it shall, within thirty days after the date of receipt



register with the director as required by this chapter.

- (5) Hospitals which are nonprofit and charitable and are required by law to file financial reports at least annually with the State; provided that a copy of the annual fiscal report is also filed simultaneously with the director.
- (6) Organizations which solicit only within the membership of the charitable organization by the members thereof. The term 'membership' shall not include those persons who are granted a membership upon making a contribution as the result of solicitation.
- (7) Any Hawaii or foreign nonprofit corporation that has been on record with the department for at least five years and is in good standing with respect to complying with the laws of this State and provided further, all fund raising activities are carried on by persons who are not in any manner compensated for such services.

Any charitable organization claiming to be exempt from the registration provisions of this chapter which is about to or does solicit charitable contributions shall submit annually to the director on forms to be prescribed by the director the name, address and purpose of the organization and a statement setting forth the reason for the claim for exemption. If exempted, the director shall issue annually a letter of exemption which may be exhibited to the public. No registration fee shall be required of any exempt organization."

SECTION 7. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 8. This Act shall take effect upon its approval.

(Approved May 30, 1971.)

## ACT 163

S. B. NO. 775

A Bill for an Act Relating to an Ethnic Studies Program and Making an Appropriation Therefor.

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

SECTION 1. The legislature recognizes that the multitude of ethnic backgrounds which reside in the State justifiably lends itself to Hawaii's fame as the "melting pot of the Pacific". The legislature further recognizes that a limited number of studies and books have been written about the Hawaiian experience and the cultural contributions of the Japanese, Caucasian, Chinese, and Hawaiian and that an even fewer number focus on the Filipino, Portuguese, Puerto Rican, Korean, Afro-American, and Samoan, all of which constitute the State's cultural heritage. The legislature further recognizes that the key to much of cultural knowledge is in the people themselves, particularly the older persons who lived through crucial transition periods in the State's history. Recognizing that such information on cultural and social practices may remain untapped and realizing that for many of the

\* Edited accordingly.

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older persons, oral communication is the only method to acquire such information from them, the legislature finds that there is a need for an ethnic studies program for every major ethnic group in the State and that the data collected from various projects dealing with ethnic studies should be housed in a centralized repository. The purpose of this Act is to provide for an ethnic studies program and a centralized repository for the maintenance of cultural studies, art, and artifacts.

SECTION 2. There is established an ethnic studies program in the office of the governor which shall be responsible for:

- (1) Recording Hawaii's social and cultural history through oral or written communications with kamaaina Hawaiians and experts;
- (2) Subsidizing studies in all major ethnic groups wishing to have ethnic study programs; and
- (3) Housing ethnic studies in a centralized repository.

The governor may contract for services with the Hawaii Foundation for History and the Humanities, the University of Hawaii, or any private or public organization for the purposes of this Act.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000, or so much thereof as may be necessary, for the purposes of this Act.

SECTION 4. The sum appropriated shall be expended by the office of the governor for the purposes of this Act.

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

(Approved May 30, 1971)

ACT 164

S. B. NO. 821

A Bill for an Act Relating to Union Labels.

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

SECTION 1. Section 482-4, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 482-4. Certain prints, labels, trademarks, union labels and tradenames not to be adopted or used.**

(a) It is unlawful for any person to adopt or use a print, label, trademark, or tradename, which is identical with any registered print, label, trademark, or tradename, or so similar as to be confused therewith, or any print, label, trademark, or tradename identical with or similar to the name of any copartnership or corporation registered in accordance with chapter 416 or chapter 418 or chapter 425; and the director of regulatory agencies shall not register any such print, label, trademark, or tradename.

(b) When a bona fide labor union, or association of employees has adopted a device in the form of a label, brand, mark, name or other character for the purpose of designating the products of the members of said union or association and said device has been registered pursuant to 482-2 and 482-3 herein, then it shall be unlawful for any person to adopt, print, distribute,

or otherwise use said device or one so similar as to be confused therewith, and the director of regulatory agencies shall not register any such similar device.

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved May 30, 1971.)

## ACT 165

S. B. NO. 892

A Bill for an Act Relating to an Appropriation for Additional Staff for the Department of Labor and Industrial Relations.

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

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$60,000, or so much thereof as may be necessary, for the fiscal biennium 1971-1973 to be used for additional staff and related expenses for the department of labor and industrial relations, in research and statistics. The sum appropriated is to be used in consultation with the commission on manpower and full employment for the planning and implementation of a computerized system to execute plans for manpower area skill surveys to be conducted periodically for each of the islands on a sustained basis.

SECTION 2. The sum appropriated shall be expended by the department of labor and industrial relations for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 1971.

(Approved May 30, 1971.)

## ACT 166

S. B. NO. 902

A Bill for an Act Relating to the Marine Affairs Coordinator.

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

SECTION 1. Findings. The legislature hereby finds and declares that:

(a) The declarations of necessity enumerated in Act 137, Session Laws of Hawaii 1970, "CREATING THE POSITION OF A MARINE AFFAIRS COORDINATOR IN THE OFFICE OF THE GOVERNOR" are still valid and of compelling necessity for the development of Hawaii's assets;

(b) restrictions on appropriations under said Act have inhibited the ability of the Governor of the State and his Marine Affairs Coordinator in carrying out the legislative intent of the Act;

(c) continuing funds should be authorized to insure that development opportunities are seized when they become available.

\* Edited accordingly.

SECTION 2. Section 4 of Act 137, Session Laws of Hawaii 1970, is amended to read:

**“Section 4. Appropriations.** There is appropriated from the general revenues of the State of Hawaii the sum of \$470,000, or so much thereof as may be necessary, to be expended by the marine affairs coordinator for the following purposes:

- (a) \$30,000 for the planning and coordination of activities to hold an international marine exposition in Hawaii in 1976;
- (b) \$75,000 for the preparation and publication of a detailed atlas defining and tabulating Hawaii's marine resources;
- (c) \$25,000 for the planning, coordination and convening of a conference in Hawaii of the representatives of government, science, technology, and industry from the nations of the Pacific basin to plan the Pacific region portion of the international decade of ocean exploration;
- (d) \$50,000 for the development of preliminary plans for marine science research parks;
- (e) \$100,000 for pilot marine resources surveys of areas of the State of Hawaii deemed by the marine affairs coordinator to have resource significance, provided that State funds shall be matched by more than twice the amount by funds provided by the federal government; or that State funds be matched equally by funds provided by private industry or by local governments; or that State funds shall be matched equally by funds provided by private industry or local governments and by more than twice the amount by funds provided by the federal government.
- (f) \$190,000 for the survey, research, development, and promotion of Hawaii's marine resources by private industry, provided that any expenditure of State funds shall be matched by an equal amount from private industry or local government.”

SECTION 3. Appropriations. There is appropriated from the general revenues of the State of Hawaii the sum of \$400,000 for the next fiscal biennium, at \$200,000 per year, or so much thereof as may be necessary, to be expended by the marine affairs coordinator and subject to the general restraints of Section 3, Act 137, Session Laws of Hawaii 1970, for support of marine facilities located within the State of Hawaii when such facilities are employed for survey, research, development and promotion of Hawaii's marine resources or marine environment; provided that any expenditure of State funds shall be matched by an equal amount from private institutions or local government or in the alternative shall be matched by twice the amount by funds provided by the federal government; provided, when matching funds are not available and when the research proposed is deemed to be vital to the marine interest of the State of Hawaii and when the marine facility is otherwise idle then such expenditure of State funds need not be matched.

SECTION 4. Material to be repealed is bracketed. New material is un-

derscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 30, 1971.)

## ACT 167

S. B. NO. 1078

A Bill for an Act to Amend Section 46-10, HRS, Relating to County Bands.

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

SECTION 1. Section 46-10 of the Hawaii Revised Statutes is hereby amended to read as follows:

**“Sec. 46-10. County bands; travel.** The county council or city council of any county having a county band may authorize its band to travel to any other county or abroad for the purpose of creating goodwill. Notwithstanding any law to the contrary, county bands are authorized to receive donations from private persons or entities for travel expenses, or to have said expenses underwritten by private persons or entities, or the band itself may raise funds by engaging in fund-raising activities, provided that such fund-raising activities shall be done after regular working hours, and provided further that admission fees may be charged wherever or whenever the band is performing.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 30, 1971.)

## ACT 168

S. B. NO. 975

A Bill for an Act Relating to the Establishment of a Program of Equal Educational Opportunity and a Coordinating Office of Educational Services for the Disadvantaged.

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

SECTION 1. **Findings and Purpose.** The legislature finds that: (1) over the last decade, a number of economic, social, and political factors have combined to bring to the attention of the general public, the conditions of economic and social disparities that exist; (2) one of the major conditions of these disparities has been the handicapping of certain groups by cutting them off from the educational mainstream; (3) the crippling effects of limited educational opportunities for these groups become severer in view of the explosive expansion of knowledge and the technological revolution which require total and meaningful integration into the mainstream of education in order to insure a promising future; (4) the fact that certain groups are being

\* Edited accordingly.

## ACT 169

deprived of educational opportunities is contrary to the basic purpose of a public system of education; and (5) faced with the realization that there is, in fact, unequal educational opportunities, the federal government has been funding programs for the disadvantaged promoting research and experimentation.

The legislature finds further that the University of Hawaii has been perpetuating the conditions of unequal educational opportunities by failing to develop a program of equal opportunity as an integral part of the university program and by neglecting to coordinate programs that do exist in order that the needs of the disadvantaged are best met by the level of services and programs currently available.

The purpose of this Act is to provide for the development and establishment of a program of equal educational opportunity as a major university program and to establish a coordinating office of educational services in order to provide equal educational opportunity for all, the basic purpose for the existence of a public university.

**SECTION 2. Program of equal educational opportunity; established.** There is established a program of equal educational opportunity as an integral and major program of the University of Hawaii. The university shall provide monetary and manpower resources toward developing and planning an equal educational opportunity program.

**SECTION 3. Coordinating office of educational services for the disadvantaged; created.** There is created a coordinating office of educational services for the disadvantaged at the University of Hawaii which shall have the responsibility and authority to coordinate, develop, and evaluate programs of equal educational opportunity.

**SECTION 4. Appropriation.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$60,000, or so much thereof as may be necessary for the 1971-73 biennium, for the purposes of establishing a program of equal educational opportunity and creating a coordinating office of educational services for the disadvantaged.

**SECTION 5. Annual budget report.** The University of Hawaii shall report to the legislature, Regular Session of 1972, the budget request of the equal educational opportunity program and the coordinating office of educational services for the disadvantaged for the next following fiscal year.

**SECTION 6.** This Act shall take effect on July 1, 1971.

(Approved May 24, 1971.)

ACT 169

H. B. NO. 28

A Bill for an Act Relating to the Licensing of Certain Degree Granting Institutions.

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

**SECTION 1.** The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

## “CHAPTER LICENSING OF DEGREE GRANTING INSTITUTIONS

**Sec. -1. Declaration of policy.** The purpose of this chapter is to prevent the establishment of educational institutions which engage in the outright sale of degrees and make no pretense of requiring any kind of academic achievement and those institutions which grant degrees based on an obviously inadequate course of study. Accordingly, this chapter requires the licensing of degree granting institutions and establishes objective standards for such licenses.

**Sec. -2. Definitions.** As used in this chapter:

- (1) “Degree granting institution” means a school, academy, institute, junior college, college, university, or person or entity of whatever kind which furnishes or offers to furnish instruction leading toward or prerequisite to an academic or professional degree beyond the secondary school level.
- (2) “Degree” means any designation, mark, appellation, series of letters or words, or other symbol which signifies, purports, or is generally taken to signify satisfactory completion of the requirements of an academic or professional program of study beyond the secondary school level.
- (3) “Accredited institution” means an institution of higher education which has been accredited or provisionally accredited by at least one nationally recognized accrediting agency or association which is listed by the United States Commissioner of Education.
- (4) “Director” means the director of regulatory agencies.

**Sec. -3. Award of degrees.** A degree or any object in evidence thereof may be awarded only by a degree granting institution which has been licensed by the State according to this chapter, except as specified in sections -5 and -9.

**Sec. -4. Licensing of degree granting institutions.** The director shall issue a license to award degrees in specified educational programs to an applicant upon the presentation of acceptable evidence that the applicant is chartered as a nonprofit educational corporation in the State of Hawaii, according to chapter 416, and that the educational program of the applicant has been accredited by at least one nationally recognized accrediting agency or association listed by the United States Commissioner of Education or, if not accredited, that credits granted by the applicant in the specified educational program are accepted as if granted by an accredited institution by not less than three accredited institutions. The license issued by the director to award degrees shall be limited to the educational program or programs that have been accredited or accepted by accredited institutions.

The license to award degrees shall be valid as long as accreditation is maintained by the degree granting institutions, subject to the annual renewal provisions of section -10.

**Sec. -5. Temporary permits to grant degrees.** The director may issue a temporary permit to award degrees to an applicant who does not meet the

accreditation requirement as set forth in section -4 and who is duly chartered by the State as a nonprofit educational corporation, if the director, upon recommendation by the advisory committee as provided for in section -7, determines that the applicant's academic and financial plans for working toward accreditation are feasible and acceptable.

The temporary permit shall be valid for a period of five years, subject to the annual renewal provisions of section -10. It may be extended by the director, upon recommendation by the advisory committee that the applicant has made acceptable progress toward accreditation, but in no case shall it extend beyond a period of ten years from the initial granting of the temporary permit.

**Sec. -6. Revocation of temporary permit.** The director shall revoke the temporary permit of any degree granting institution if the holder of a temporary permit:

- (1) Has failed to retain its status as a nonprofit educational corporation;
- (2) Has presented false or misleading information in obtaining a temporary permit;
- (3) Has failed or refused to permit authorized representatives of the advisory committee established in section -7 to inspect the institution or has failed or refused to make available to the authorized representatives, upon request, full information pertaining to matters within the purview of the State under this chapter; or
- (4) Has refused or failed to meet any other conditions established by rule or regulation promulgated by the director pursuant to chapter 91, upon recommendation of the advisory committee.

A degree granting institution whose temporary permit has expired or has been revoked shall no longer grant degrees.

**Sec. -7. Advisory committee on granting institutions.** There is established an advisory committee on degree granting institutions consisting of the president of the university of Hawaii and the presidents or chief administrative officers of all licensed degree granting institutions in the State. The advisory committee shall advise the director on all matters pertaining to the administration of this chapter and the granting and renewal of licenses and temporary permits to degree granting institutions. Members of the advisory committee shall serve without compensation but shall be reimbursed for reasonable and necessary expenses incurred in the process of discharging their responsibilities under this chapter.

**Sec. -8. Restriction on use of names.** No person, firm, corporation, partnership, or other entity operating an institution of higher education may use as a name for the institution any title which contains the term "college", "university", "junior college", or any other expression which indicates or implies that it is a degree granting institution unless it has been licensed as a degree granting institution or has been granted a temporary permit to award degrees by the director; provided that this section shall not apply to any person, firm, corporation, partnership, or other entity who has been using such nonconforming term or terms in its name and has registered that name with the department of regulatory agencies prior to January 1, 1971.



**Sec. -9. Honorary degrees.** An honorary degree may be awarded only by a licensed degree granting institution or by an institution which has been granted a temporary permit to award degrees; provided that any such degree shall be clearly represented to be honorary and that any diploma, certificate, or other tangible object issued or purporting to be in evidence thereof shall be clearly and conspicuously marked in a manner which will convey to the general public that the degree is honorary.

**Sec. -10. Fees; issuance and renewal of licenses and permits.** (a) A fee of \$50 shall be paid to the director at the time of application for a license or temporary permit. The application shall be in such form as the director prescribes and shall be accompanied by such supporting information as the director requires to determine compliance with section -4 or -5.

(b) On or before November 1, 1971, institutions conferring degrees prior to September 1, 1971, shall file with the director an application for a license or temporary permit, as provided in subsection (a). Within a reasonable time thereafter, the director shall issue either a license or temporary permit in accordance with section -4 or -5.

(c) Annually, on November 1, or such other date as the director prescribes, each institution holding a license or temporary permit shall apply for renewal and pay a fee of \$25. The application for renewal shall be accompanied by such information as the director requires to determine continued compliance with this chapter.

(d) All fees collected pursuant to this section shall be deposited with the director of finance to the credit of the general fund of the State. No refund of any fee or any part thereof shall be made.

**Sec. -11. Powers of the director.** In addition to the powers granted to the director in other sections of this chapter, the director may make such rules and regulations pursuant to chapter 91, upon recommendation of the advisory committee, as may be found necessary to carry out this chapter.

**Sec. -12. Unlawful representation.** Neither the fact of filing nor the permission to grant degrees shall be held to mean that the State or the director endorses a particular course of instruction or a particular degree granting institution. It shall be unlawful to make, or cause to be made, to any person any representation contrary to this section.

**Sec. -13. Penalties.** Any person, firm, corporation, partnership, association, degree granting institution, or other entity making any false statement in any notice or amendment thereto filed pursuant to accreditation requirements, proposals to meet accreditation requirements, and the issuance and renewal of license and permit fees, shall be guilty of perjury. Any other violation of this chapter shall be subject to a fine of not more than \$500 or to a term of imprisonment not to exceed six (6) months, or both. Each violation shall constitute a separate offense.

**Sec. -14. Injunctions.** The director acting by the attorney general may proceed by injunction against any violation of this chapter, but no such proceeding and no order issued therein or as a result thereof shall bar the im-

## ACT 170

position of any other penalty which may be imposed for violation of this chapter.

**Sec. -15. Exemptions.** This chapter shall not apply to any degree granting institution maintained by the State.”

SECTION 2. This Act shall take effect on September 1, 1971.

(Approved May 31, 1971.)

## ACT 170

H. B. NO. 133

A Bill for an Act Relating to General Provisions on Public Service of Public Officers and Employees.

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

SECTION 1. Section 78-19, Hawaii Revised Statutes, is amended to read as follows:

“**Section 78-19. Safety equipment.** Each department or agency of the State and its political subdivisions shall furnish its employees with safety equipment when such equipment is required in connection with the employees’ official duties by the codes and rules and regulations of the department of labor and industrial relations. The cost of such equipment shall be a proper charge against the funds of the department or agency and the respective political subdivisions, as the case may be, furnishing such equipment. Except in the case of gross negligence on the part of the employee losing or damaging such equipment, lost or damaged safety equipment and equipment worn out through wear and tear shall be replaced by the department or agency, or the respective political subdivisions, as the case may be.

“No employee shall be required to operate a motor vehicle which is deemed unsafe. If an employee demonstrates that a motor vehicle which he has been directed to operate is unsafe, he or his employee representatives and his department head shall mutually agree upon the appointment of a third party qualified to evaluate the safety of motor vehicles to determine the safety of said motor vehicle. The decision of the third party shall be final and binding upon the parties. If the third party decides that the motor vehicle is unsafe, the employee shall not be required to operate such motor vehicle. On the other hand, if the motor vehicle is deemed safe by the third party, the employee may be required to operate the vehicle.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved May 31, 1971.)

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\* Edited accordingly.

A Bill for an Act Relating to Revocation of Drivers' Licenses.

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

SECTION 1. Section 286-124, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 286-124 Mandatory revocation of license by a court.** Any court of competent jurisdiction shall forthwith revoke the license of any operator or chauffeur upon a conviction of the operator or chauffeur of manslaughter resulting from the operation of a motor vehicle.

SECTION 2. Section 286-125, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 286-125 Discretionary revocation or suspension of license by a court.** In addition to the provisions for mandatory revocation of a license set forth in section 286-124, any court of competent jurisdiction may, in its discretion, revoke or suspend the license of any operator or chauffeur convicted of any felony in the commission of which a motor vehicle is used, or convicted of a violation of this part or of any traffic law or regulation of the State or any political subdivision thereof involving a vehicle in motion."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved May 30, 1971.)

A Bill for an Act Making an Appropriation for the Continuation of Hawaii Planned Parenthood Programs.

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

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$123,560, or so much thereof as may be necessary, for the continuation of the Hawaii planned parenthood program for the fiscal biennium 1971-73, provided the appropriation shall only be used to match federal grants required to carry out the purpose of this Act.

SECTION 2. The sum appropriated shall be expended by the department of health for the purpose of this Act.

SECTION 3. This Act shall take effect on July 1, 1971.

(Approved May 31, 1971.)

\* Edited accordingly.

A Bill for an Act Making an Appropriation for a Stadium in the City and County of Honolulu.

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

SECTION 1. There is appropriated from moneys in the treasury received from general obligation bond funds the sum of \$15,600,000, or so much thereof as may be necessary, for planning and construction of a stadium in the city and county of Honolulu. This appropriation shall be a supplement to the appropriations made in Act 172, Session Laws of Hawaii 1970 and in Act 155, Session Laws of Hawaii 1969.

SECTION 2. The sum appropriated shall be expended by the department of accounting and general services for the purpose of this Act.

SECTION 3. The director of finance of the State is authorized to issue general obligation bonds of the State in the amount of \$15,600,000 for the purpose of this Act.

SECTION 4. Section 109-3, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 109-3 Stadium special fund.** There is created a special fund to be known as the stadium special fund into which funds collected by the authority shall be deposited. The fund shall be applied, used and disposed of for the expenses of operation, maintenance, and management of the stadium and related facilities; provided that all services required for operation and maintenance of the stadium and related facilities shall be performed by persons hired on contract or otherwise, without regard for chapters 76 or 77."

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 6. All acts passed during this regular session of 1971, whether enacted before or after passage of this Act, shall be amended to conform to this Act, unless such acts specifically provide that this bill, or Act is being amended.

SECTION 7. This Act shall take effect upon its approval.

(Approved May 31, 1971.)

A Bill for an Act Relating to Elections.

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

SECTION 1. Chapter 17, Hawaii Revised Statutes, is amended by adding a new section to read:

\* Edited accordingly.

**“Sec. 17-5 Failure to elect.** Whenever any vacancy occurs in the offices provided in this chapter because of failure to elect a person at an uncontested general election, the chief election officer shall issue a proclamation for a special primary and general election. The special primary election shall be held at least 55 days and no more than 75 days after the issuance of the proclamation and the special general election shall be held at least 20 days and no more than 30 days after the special primary election. Nomination papers shall be filed in accordance with Section 12-6.”

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

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

(Approved May 31, 1971.)

## ACT 175

S. B. NO. 916

A Bill for an Act Amending Section 281-42, Hawaii Revised Statutes, Relating to Liquor Manufacturers and Wholesalers.

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

SECTION 1. Section 281-42, Hawaii Revised Statutes, is amended to read as follows:

**“Section 281-42. Manufacturers and wholesale dealers, special restrictions.** It shall be unlawful for any person holding a manufacturer’s license or a wholesale dealer’s license:

- (1) To own, hold, or be or become interested in or connected with the liquor business of any other licensee who is a retail dealer or who is authorized to sell liquors for consumption on his premises;
- (2) To control, employ, manage, or financially assist in any manner any other licensee who is a retail dealer or who is authorized to sell liquors for consumption on his premises;
- (3) To hold any interest in any premises on which liquors are sold under a retail dealer’s license or for consumption on such premises unless the holding of such interest is permitted under regulations of the liquor commission or a statement thereof has been filed with the commission and has not been disapproved by it;
- (4) To sell any liquor at wholesale prices without invoicing the vendee’s license number, except where the vendee, although authorized to resell, is not required by law to hold a license, in which case the invoice shall fully indicate the vendee’s identity.

This section shall not be held to prohibit the granting of the credits ordinarily extended with respect to the sale of liquors by a person holding a manufacturer’s or a wholesale dealer’s license.”

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes may exclude the underscoring.\*

\* Edited accordingly.

**ACT 176**

SECTION 3. This Act shall take effect upon its approval.  
(Approved May 31, 1971.)

**ACT 176**

S. B. NO. 1181

A Bill for an Act Relating to Credit Life Insurance and Credit Disability Insurance.

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

SECTION 1. Section 435-9, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 435-9 Issuance of policies.** (a) All policies of credit life insurance and credit disability insurance shall be delivered or issued for delivery in this State only by an admitted insurer and shall be issued only through holders of certificates, licenses, or authorizations issued by the commissioner.

(b) The enrolling of debtors under a group creditor policy and the issuance of certificates of insurance pursuant thereto or the issuing of individual policies by a creditor shall not be considered a sale or solicitation of insurance or the transaction of an insurance business. A limited license issued under section 431-379 shall be required for such acts. An agent’s or broker’s license shall not be required.

(c) A group creditor policy issued by an admitted insurer to a creditor on which the entire premium is paid by the creditor wholly from the creditor’s funds shall be considered a vendor-purchaser relationship and not a principal-agent relationship. Notwithstanding subsection (a), a license shall not be required for the issuance of certificates of insurance under a group creditor policy that is subject to this subsection.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.  
(Approved May 31, 1971.)

**ACT 177**

S. B. NO. 1208

A Bill for an Act Amending Act 96, Session Laws of Hawaii 1970, and Making an Appropriation for the Commission on the Year 2000.

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

SECTION 1. Amend section 4 of Act 96, Session Laws of Hawaii 1970, to read as follows:

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

SECTION 2. Statutory material to be repealed is bracketed. In printing

\* Edited accordingly.

this Act, the revisor of statutes need not include the brackets or the bracketed material.\*

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000, or so much thereof as may be necessary, for the biennium 1971-73, to provide for the continuance of the purposes of the commission on the year 2000.

SECTION 4. The sum shall be expended by the office of the governor for the purposes of this Act.

SECTION 5. This Act shall take effect upon its approval.  
(Approved May 31, 1971.)

## ACT 178

S. B. NO. 1288

A Bill for an Act Relating to the Establishment of a Hawaii Research Center for Futures Study, and Making an Appropriation Therefor.

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

SECTION 1. The purpose of this Act is to amend the Hawaii Revised Statutes by adding a new chapter to establish a Hawaii research center for future study.

SECTION 2. The Hawaii Revised Statutes are hereby amended by adding a new chapter to be appropriately numbered and to read as follows:

**“CHAPTER**

**HAWAII RESEARCH CENTER FOR FUTURES STUDY**

**(Chapter) -1. Center established.** There is hereby established a Hawaii research center for futures study. The center is assigned to the University of Hawaii for administrative purposes.

**(Chapter) -2. Duties of the Center.** The center shall:

- (1) Serve as a research arm of the commission on the year 2000, the proposed commission on population stabilization, and such other public agencies as may properly require its services and assistance in locating research experts for particular studies and in working out the dimensions and contractual arrangements for such studies, the costs and final decisions of which shall be the responsibility of the requesting agencies.
- (2) Encourage and promote invention and experimentation in futures study, planning and design.
- (3) Maintain an inventory of studies, research, and other information, including groups or persons concerned with futures study, planning and design applicable to the State.

**(Chapter) -3. Director; duties.** The center shall be headed by a director,

\* Edited accordingly.

## ACT 179

who need not be full-time, depending upon the extent of the requests for research assistance and for carrying out the other specified functions of the center.

The director shall administer funds allocated for the center; be authorized to accept, disburse, and allocate funds which become available from other governmental and private sources; submit an annual report of the center's operations, including recommendations, to the governor and legislature prior to January 1 of each year."

SECTION 3. There is hereby appropriated out of the general revenues of the State of Hawaii the sum of \$10,000, or so much thereof as may be necessary, for the establishment of the Hawaii research center for futures study.

SECTION 4. The sum appropriated shall be expended by the governor for the purposes of this Act.

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

(Approved May 31, 1971.)

## ACT 179

S. B. NO. 134

A Bill for an Act Relating to Employment Security.

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

SECTION 1. Section 383-38, Hawaii Revised Statutes, is amended to read:

**"§383-38 Appeals, filing, and hearing.** The claimant or any other party entitled to notice of a determination or redetermination as herein provided may file an appeal from the determination or redetermination at the office of the department of labor and industrial relations in the county in which the claimant resides or in the county in which the claimant was last employed, within ten days after the date of mailing of the notice to his last known address, or if the notice is not mailed, within ten days after the date of delivery of the notice to him. The appeal shall be heard in the county in which the appeal is filed, provided that the department may by its regulations provide for the holding of a hearing in another county with the consent of all parties or where necessary in order that a fair and impartial hearing may be had, and may provide for the taking of depositions. Unless the appeal is withdrawn with the permission of the referee, the referee after affording the parties reasonable opportunity for a fair hearing shall make findings and conclusions and on the basis thereof affirm, modify, or reverse such determination or redetermination. The parties to any appeal shall be promptly notified of the decision of the referee and shall be furnished with a copy of the decision and the findings and conclusions in support thereof and the decisions shall be final and shall be binding upon each party unless a proceeding for judicial review is initiated by the party pursuant to section 383-41; provided that, within the time provided for taking an appeal and prior to the filing of a notice of appeal, the referee may reopen the matter, upon the application of the director of labor and industrial relations or any other party, or upon his own motion, and thereupon may take further evidence or may modify or reverse his decision,



findings or conclusions. If the matter is reopened, the referee shall render a further decision in the matter either reaffirming or modifying or reversing his original decision, and notice shall be given thereof in the manner hereinbefore provided. Upon reopening, the referee who heard the original appeal shall reconsider the matter, except where he is no longer employed as a referee or he disqualifies himself from reconsidering his decision. The time to initiate judicial review shall run from the notice of such further decision, if the matter has been reopened.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material and the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.  
(Approved June 4, 1971.)

ACT 180

S. B. NO. 823

A Bill for an Act Relating to the Crime of Trespass.

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

SECTION 1. Section 771-1, Hawaii Revised Statutes, is amended to read:

**“§771-1 Trespass; penalty.**

(a) Whoever knowingly enters or remains unlawfully in the dwelling-house or buildings of another used for dwelling purposes, shall be fined not more than \$1,000, or imprisoned not more than one year, or both.

(b) Whoever knowingly enters or remains in or upon premises which are enclosed in a manner designed to exclude intruders or are fenced, shall be fined not more than \$500, or imprisoned not more than 30 days, or both.

(c) Whoever knowingly enters or remains unlawfully in or upon premises shall be fined not more than \$500.

Provided that entry upon or passing along or over established and well-defined roadways, pathways, or trails leading to public beaches over government lands, whether or not under lease to private persons, shall not of itself constitute the offense of trespass, and anyone entering upon or passing along or over any such roadway, pathway, or trail on his way to or from a public beach shall be liable only for such actual physical damage as he may cause in so doing.

SECTION 2. This Act shall take effect upon its approval.  
(Approved June 4, 1971.)

ACT 181

S. B. NO. 30

A Bill for an Act Relating to the Establishment of an Aquaculture Loan Program.

\* Edited accordingly.

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

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
AQUACULTURE LOAN PROGRAM**

**Sec. -1 Findings and purpose.** The legislature finds that:

- (1) Aquaculture is a potentially viable industry for the State.
- (2) Conventional financial institutions traditionally do not provide loans in the initiating stages for the establishment of new industries.
- (3) No present State agency or program has the authority to financially assist an enterprise engaged in aquaculture.
- (4) The State should initiate a loan program to assist aquaculture and the techniques of aquaculture as a new industry.

The purpose of this Act is to establish a loan program to financially assist in the development of aquaculture in the State.

**Sec. -2 Definitions.** As used in this chapter:

- (1) ‘Aquaculture’ means the production of aquatic plant and animal life for food and fiber within the ponds and other bodies of water that are within the real property for which real property taxes are assessed and paid by the owner or producer.
- (2) ‘Board’ means the board of agriculture of the department of agriculture.
- (3) ‘Qualified aquaculturalist’ means a person, or association of persons, actively engaged in aquaculture farming, aquaculture produce processing, or aquacultural product development activities.

**Sec. -3 Hawaii aquaculture loan program.** There is established the Hawaii aquaculture loan program to be administered by the board of agriculture.

**Sec. -4 Hawaii aquaculture revolving loan fund.** There is a special fund to be known as the aquaculture revolving loan fund from which monies shall be loaned by the department of agriculture under this chapter. All interest and fees collected by the department shall be deposited in a loan reserve fund to the extent needed to carry on the operations of this program. All payments received on account of principal shall be credited to the revolving loan program.

**Sec. -5 Rules and regulations.** The board of agriculture shall have the necessary powers to carry out the purposes of this chapter, including the following:

- (1) Prescribe the qualifications for eligibility of applicants for loans.
- (2) Establish preferences and priorities in determining eligibility for loans and loan repayment requirements.
- (3) Establish the conditions, consistent with the purposes of this chapter, for the granting or for the continuance of a grant of a loan.
- (4) Provide for inspection at reasonable hours of the plant facilities,

books and records of an enterprise which has applied for or has been granted a loan and to require the submission of progress and final reports.

- (5) To make loans for aquacultural products development, such as financing of plant construction, conversion, expansion, the acquisition of land for expansion, the acquisition of equipment, machinery, supplies or materials or for the supplying of working capital.
- (6) To authorize the board to secure loans by duly recorded first mortgages upon the following property within the State:
  - (A) Fee simple farm land;
  - (B) Leaseholds of farm land where the lease has an unexpired term at least two years longer than the term of the loan;
  - (C) Aquaculture products;
  - (D) Other chattels;
  - (E) A second mortgage when any prior mortgage does not contain provisions which might jeopardize the security position of the department or the borrower's ability to repay;
  - (F) Written agreements such as an assignment of income.
- (7) To administer the Hawaii aquaculture loan revolving fund and to deposit into the fund all monies received as repayment of loans and interest payment.
- (8) To include in its budget for subsequent fiscal periods amounts necessary to effectuate the purposes of this chapter.

**Sec. -6 Loan; limitation.** No single loan authorized by this chapter shall exceed fifteen per cent of the total amount deposited in the Hawaii aquaculture revolving loan fund.

**SECTION 2.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000, or so much thereof as may be necessary, for the purposes of this Act.

**SECTION 3.** The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

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

(Approved June 7, 1971.)

A Bill for an Act Relating to the Renaming of Anuenue (Rainbow Island).

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

**SECTION 1.** Chapter 6, Hawaii Revised Statutes, is amended by including a new section to be appropriately designated and to read as follows:

**"Sec. Sand Island.** The island on the southwest side of Honolulu Harbor, Oahu; 21° 18' 30" North, 157° 53' 00" West; City and County of Honolulu proclaimed Anuenue (also known as Rainbow Island) by memorandum 1969-4 of the governor shall be named Sand Island. The name Sand Island shall be used on all official State maps, documents, and correspondence."

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SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

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

(Approved June 7, 1971.)

## ACT 183

S. B. NO. 600

A Bill for an Act Relating to the Licensing of Electricians and Plumbers.  
*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Hawaii Revised Statutes is amended by adding thereto a new chapter to read as follows:

### **“CHAPTER ELECTRICIANS AND PLUMBERS**

**Section -1. Definitions.** As used in this chapter, unless otherwise indicated by the content:

- (1) ‘Board’ means the board of electricians and plumbers.
- (2) ‘Journeyman electrician’ means any person who has been licensed by the board as a journeyman electrician to perform electrical work.
- (3) ‘Journeyman plumber’ means any person who has been licensed by the board as a journeyman plumber to direct and supervise the performance of plumbing work and to perform plumbing work.
- (4) ‘Journeyman specialty electrician’ means any person who has been licensed by the board as a journeyman specialty electrician to perform electrical work related to installing, repairing, altering and maintaining but not the attachment of lighting and power circuits to, the following: electronic equipment, sound public address systems and communication systems, other than equipment and systems for a single-family or two-family dwelling; master of community radio and television receiving antenna systems; sound recording systems, other than systems for a single-family or two-family dwelling; burglar and fire alarm systems; low voltage remote control, other than a control for a single-family or two-family dwelling; and low voltage communication signal systems.
- (5) ‘Master plumber’ means any person who has been licensed by the board as a master plumber to direct and supervise the performance of plumbing work and to perform plumbing work.
- (6) ‘Motion picture operator’ means any person who has been licensed by the board for the purpose of operating a movie projector using 35 mm film or larger for commercial purposes.
- (7) ‘Supervising electrician’ means any person who has been licensed by the board as a supervising electrician to direct and supervise the performance of electrical work and to perform electrical work.

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\* Edited accordingly.

- (8) 'Supervising specialty electrician' means any person who has been licensed by the board as a supervising specialty electrician to direct and supervise the performance of electrical work relating to installing, repairing, altering and maintaining, but not the attachment of lighting and power circuits, to the following: electronic equipment, sound public address systems, other than equipment and systems for a single-family or two-family dwelling; master or community radio and television receiving antenna system; sound recording systems other than systems for a single-family or a two-family dwelling; burglar and fire alarm systems; low voltage remote control, other than control for a single-family or two-family dwelling; and low voltage communication signal systems.

**Section -2.** There is established within the department of regulatory agencies for administrative purposes the board of electricians and plumbers consisting of seven members appointed by the governor as provided in section 26-34. The board shall designate one of its members as chairman. Two of the members shall be engaged in the electrical trade and two of the members shall be engaged in the plumbing trade. Three of the members shall be private citizens not connected with the industry.

**Section -3. Powers and duties of board.** The board shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including, without limitation, the following powers:

- (1) To grant licenses which shall be renewable on an annual basis to:
  - (A) journeyman electricians, (B) journeyman specialty electricians, (C) supervising electricians, (D) supervising specialty electricians, (E) motion picture operators, (F) master plumbers, and (G) journeyman plumbers;
- (2) To make, amend, or repeal such rules and regulations as it may deem proper to effectuate this chapter and to insure the safety and welfare of the general public. All such rules and regulations shall be adopted pursuant to chapter 91. The rules and regulations may forbid acts or practices deemed by the board to be detrimental to the accomplishment of the purpose of this chapter;
- (3) To enforce this chapter and rules and regulations adopted pursuant thereto including the denial, suspension or revocation of any license; and
- (4) To examine all applicants and determine their qualifications prior to the issuance of licenses.

**Section -4. Minimum requirements.** An applicant shall possess the following minimum qualifications:

- (1) Journeyman electrician. Every applicant to be eligible for the journeyman electrician examination shall be at least twenty years of age and must have had at least four years' experience in the trade.
- (2) Journeyman specialty electrician. Every applicant to be eligible for the journeyman specialty electrician examination shall be at least twenty years of age and must have had at least four years' experience in the trade.

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- (3) Supervising electrician. Every applicant to be eligible for the supervising electrician examination shall have been registered with the board as a journeyman electrician for at least a period of two years in the trade or shall have had equivalent experience in the trade.
- (4) Supervising specialty electrician. Every applicant to be eligible for the supervising specialty electrician examination shall have been registered with the board as a journeyman specialty electrician for at least a period of two years in the trade or shall have had equivalent experience in the trade.
- (5) Motion picture operator. Every applicant to be eligible for the motion picture operator examination shall be not less than eighteen years of age and shall have had not less than one year of experience under supervision of a registered motion picture operator in the operation of machines for the projection of motion pictures for commercial purposes in the trade.
- (6) Journeyman plumber. Every applicant to be eligible for the journeyman plumber examination shall have had experience of at least five years' full-time or its equivalent but not less than 10,000 hours as a journeyman's or master plumber's helper, and is able to furnish satisfactory evidence of such fact.
- (7) Master plumber. Every applicant to be eligible for the master plumber examination shall have been registered with the board as a journeyman plumber for at least two years or shall have had equivalent experience in the trade.

**Section -5. Hearings.** In every case where it is proposed to refuse to grant a license or to revoke or suspend a license or to refuse to renew a license, the board shall give the person concerned notice of hearing in conformity with chapter 91.

**Section -6. Appeal to circuit court.** An applicant who has been refused a license and every licensee whose license has been suspended, revoked, or not renewed may appeal the board's decision to the circuit court of the circuit in which the applicant or licensee resides in the manner provided in chapter 91.

**Section -7. Fees; annual renewals.** (a) The fees for each original license and renewal thereof prescribed by this chapter shall be fixed by the board.

(b) The annual renewal fee shall be paid to the board before July 1 of each year. Failure, neglect, or refusal of any licensee to pay the annual renewal fee before such date shall constitute a forfeiture of the license. Any such license may be restored upon written application therefor within one year from such date and the payment of the required fee plus an amount equal to ten per cent thereof.

**Section -8. Unlicensed activity.** It shall be unlawful for any person to act or assume to act as an unlicensed electrician or plumber within the meaning of this chapter.

**Section -9. Violation; penalty.** Any person who violates any provision of this chapter shall be fined not more than \$1,000.

**Section -10. Injunction.** The board may, in addition to any other remedy available, apply to a circuit court judge for a temporary restraining order, preliminary or permanent injunction restraining any person from acting, or assuming to act, as a journeyman electrician, journeyman specialty electrician, supervising electrician, supervising specialty electrician, motion picture operator, journeyman plumber, or master plumber without a license previously obtained in compliance with this chapter and the rules and regulations of the board, and upon hearing and for cause shown, the judge may grant the temporary restraining order, preliminary or permanent injunction.

**Section -11. Inspections.** Nothing in this chapter should deprive the several counties of the right to perform electrical or plumbing inspections, as regulated by their respective ordinances.”

SECTION 2. Section 444, Hawaii Revised Statutes, is amended by adding thereto a new section to read as follows:

“**Section 444-** . At least half of all craftsmen requiring licenses employed on a construction project by a specialty contractor in the trade in which he is licensed shall be licensed in accordance with and to the extent required by section . The board may waive this requirement in any county when there are insufficient licensed craftsmen in that county to comply herewith.”

SECTION 3. All employees of a public utility within the State of Hawaii under a franchise or charter granted by the State of Hawaii which is regulated by the Public Utilities Commission, while so employed, shall be exempt from the provisions of Chapter . **ELECTRICIANS AND PLUMBERS.**

SECTION 4. Any individual holding a current and valid license under an ordinance of any county of the State prior to the effective date of this Act may continue to practice his trade; provided that upon the renewal date of any licensee's county license, he shall make application to the board created by this Act to renew his license; and provided further, that any such individual or licensee holding a county license shall be subject to the jurisdiction of the board after the effective date of this Act.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$5,000, or so much thereof as may be necessary, for the administration of this Act. The sum appropriated shall be expended by the department of regulatory agencies for the purposes of this Act.

SECTION 6. No member of the Board of Electricians and Plumbers shall receive any compensation for his services, but each shall be reimbursed for his necessary traveling expenses incurred in the performance of his duties.

SECTION 7. This Act shall take effect on January 1, 1972.

(Approved June 7, 1971.)

**ACT 184**

**H. B. NO. 634**

A Bill for an Act Relating to the Milk Control Act.

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

SECTION 1. Section 157-1, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 157-1 DEFINITIONS.** “Board” means the board of agriculture, department of agriculture.

“Commissioner” means the commissioner of the division of milk control.

“Consumer” means any person who purchases milk for consumption.

“Distributor” means any person not producing milk who buys, processes, and containerizes milk for sale to consumers, stores, or others. It shall also include a producer-distributor functioning in his capacity as a distributor.

“Division” means the division of milk control created by this chapter.

“Licensee” means a licensed producer, licensed producer-distributor, or licensed distributor.

“Milk” means any product containing milk solids, normally produced or marketed through the channels of the fluid milk trade and includes raw milk, pasteurized milk, cream, buttermilk, flavored milk, recombined or reconstituted milk, filled milk, and sterilized milk. “Milk” shall not include butter, cheese, ice cream, or condensed or evaporated milk contained in hermetically sealed cans.

“Filled Milk” is any milk, cream or skim milk, whether fresh or recombined, to which has been added or which has been blended or compounded with any fat or oil other than butterfat so that the resulting product is in imitation or semblance of any form of fresh whole milk or cream.

“Sterilized Milk” means an absolutely sterile, preheated product, of natural appearance and flavor, without additives or adulterants, retaining the vitamins and constituents of normal milk and aseptically containerized.

“Milk shed” means any county in the State wherein milk control is established.

“Producer” means any person producing milk or any agricultural cooperative that markets milk for sale to distributors or producer-distributors.

“Producer-distributor” means any person who produces milk, or who produces and buys milk, and processes and containerizes milk for sale to consumers, stores, or others.”

SECTION 2. Section 157-12, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 157-12 ASSISTANTS AND EMPLOYEES; APPOINTMENT, DUTIES AND COMPENSATION.** The commissioner may, with the approval of the board, employ, by special contract or otherwise, and remove such assistants and employees as may be necessary to carry out this chapter and amendments thereto, prescribe their powers and duties, and fix their compensation. They shall not be subject to chapters 76 and 77.”

SECTION 3. Section 157-13, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 157-13 GENERAL POWERS.** The department of agriculture through its board is hereby vested with the following powers:



- (1) To regulate and supervise in a milk shed the production, transportation, processing, storage, distribution, and delivery of milk, the establishment of quotas and the setting of minimum prices to be paid to producers by producer-distributors and distributors; provided that nothing contained in this chapter shall be construed to abrogate or affect the status, force or operation of any provision of the laws on public utilities, public health, expenditure of public funds or any local health ordinance or health regulation.
- (2) To investigate all matters in a milk shed pertaining to the production, transportation, processing, storage, distribution, and delivery of milk, and the establishment of quotas and the setting of minimum prices to be paid to producers by producer-distributors and distributors; to subpoena producers, producer-distributors and distributors, their records, books and accounts, and any other person from whom information may be desired to carry out the purpose and intent of this chapter; and to issue commissions to take deposition of witnesses absent from the State. Any authorized employee may sign and issue subpoenas and may administer oaths to witnesses and conduct hearings and investigations. In case of failure of any person to comply with any subpoena issued under authority of this chapter, or the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, the magistrate of the district court of the district in which the person resides or of the district in which the person may be personally served, on application of the board or its authorized representatives, shall compel obedience, as in the case or disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.
- (3) To control the intrastate shipment of milk including shipment of milk between counties.
- (4) To make and enforce all rules and regulations and all orders necessary to carry out this chapter.

The operation and effect of any provision of this chapter conferring a general power shall not be impaired or qualified by the granting of a specific power or powers."

SECTION 4. Chapter 157, PART IV, Hawaii Revised Statutes, is amended to read as follows:

**"PART IV. ESTABLISHMENT OF A MILK SHED AND THE SETTING OF MINIMUM PRICES AND QUOTAS**

**Sec. 157-** **Petition to establish or terminate a milk shed.** Upon petition by fifty-five percent of all producers and producer-distributors, or by fifty-five percent of all producers in a prospective milk shed, or upon the board's own motion, the board shall hold a public hearing to establish or terminate a milk shed in a county comprising one island or on one or more islands or a portion of an island comprising a county.

**Sec. 157-31** **Petition to establish, revise, or terminate minimum prices and quotas.** Upon petition by the producers and producer-distributors who

produce fifty-five percent of the milk in a milk shed, or by fifty-five per cent of all producers in a milk shed, or upon the board's own motion, the board shall hold a public hearing to establish, revise, or terminate the minimum prices for milk to be paid to producers and producer-distributors or the quotas for the production of milk in a milk shed or both. For the purposes of this section, each producer-member of an agricultural cooperative shall be counted as a producer and an agricultural cooperative shall not be counted as a producer or as a producer-distributor.

**Sec. 157-33 Order Fixing Minimum Price.** The board shall establish by order the minimum prices and salvage values for milk to be paid to producers by producer-distributors and distributors. The minimum prices and salvage values within each milk shed may vary according to the classes or classifications established by the board; provided that the minimum prices and salvage values for each such class or classification within a milk shed shall be uniform. The minimum prices and salvage values may vary according to counties. The order may prescribe how producers shall be paid for milk sold by them to distributors and producer-distributors.

**Sec. 157-34 Determination of quotas.** (a) To promote a proper balance between supply and demand for milk, the board shall provide that the price to be paid to producers shall be based upon quota assigned each producer by the board, which quota shall be determined as follows: upon petition or chairman's motion as set out in section 157-31, there shall be established an initial quota for each producer and producer-distributor, which shall be the average of the amount of milk that he produced and delivered during the three-year period prior to January 1, 1967; provided that if a producer or producer-distributor had not been in business for such period, the board may also take into account his prior production, contract and his investment; and provided further that in any milk shed established subsequent to January 1, 1971 the board shall establish an initial quota for each producer and producer-distributor which shall be the average of the amount of milk that he produced and delivered during the twelve-month period immediately prior to the date of petition of chairman's motion, and may also take into account prior production, contract and investment factors where any of the producers or producer-distributors shall not have been in business for such twelve-month period. The board shall set the initial quota of a newly licensed producer or producer-distributor entering the market by taking into account all relevant market conditions and the capabilities of the licensee. The board may adjust the initial quotas on a pro rata basis to meet changes in market requirements.

(b) For each milk shed in which quota control or price control or both is to be established, producers or producer-distributors whose dairies are located outside such milk shed shall participate in said quota control or price control, or both, for milk regularly supplied within the affected milk shed. However, in setting the minimum price for the milk the board shall consider only those costs incurred by producers located within the affected milk shed. Any milk delivered and utilized in a milk shed shall be subject to all the provisions and regulations applicable to that milk shed.

(c) When the amount of milk resold for human consumption as fluid

milk does not exceed the sum of the quotas to be regularly supplied a distributor or producer-distributor, such fluid consumption milk shall be deemed taken ratably from the quotas actually supplied, and payment shall be made accordingly. The board shall determine which producers, not under written contract with a distributor or producer-distributor, are regular suppliers of milk. The remaining milk not used for human fluid consumption shall be paid for according to its use. However, when the producer-distributor or distributor resells milk, other than recombined or reconstituted milk, for fluid consumption in an amount in excess of all quotas assigned producers or producer-distributors regularly supplying him milk, then the fluid consumption prices shall apply pro rata to surplus milk, in the ratio that a producer's quota bears to the sum of the quotas. However, whenever there is quota milk available for purchase within the milk shed, surplus milk may not be used as milk to be resold for human consumption as fluid milk.

(d) From time to time the board may alter, revise, or adjust the quotas in any milk shed when required to meet changes in conditions, such as change in demand or inability of certain producers or producer-distributors to meet their assigned quotas.

(e) The board may promulgate rules and regulations governing the transfer of quotas.

(f) No producer or producer-distributor shall have a quota exceeding twenty percent of the total quotas established in the State. When quotas are established for a milk shed in the State, no producer or producer-distributor shall have a quota exceeding twenty percent of the total quota established in such milk shed; provided that any producer or producer-distributor whose quota shall exceed twenty percent in any such milk shed upon the effective date of this Act may continue to maintain such quota in such milk shed, but may not thereafter increase its quota percentage in such milk shed or in any other milk shed. The board may, however, waive the requirements of this subsection within any milk shed when it finds that such action is necessary to insure the availability of an adequate supply of milk to the consuming public within such milk shed to promote stability of the dairy industry in said milk shed and will further be in the public interest.

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 6. In printing this Act, the revisor of statutes may delete the words "of agriculture" where such words appear in conjunction with the words "the board of agriculture" so as to conform Chapter 157 to the definition of "board" as contained in Section 1 of this Act.

SECTION 7. This Act shall take effect upon its approval.

(Approved June 7, 1971.)

\* Edited accordingly.

A Bill for an Act Relating to Counsel and Other Services for Indigent Criminal Defendants.

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

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
COUNSEL AND OTHER SERVICES FOR INDIGENT  
CRIMINAL DEFENDANTS.**

**Sec. -1. Right to representation by public defender.** Any person charged with and/or found guilty of an offense punishable by imprisonment for more than sixty days; and who is financially unable to obtain counsel, shall be entitled to be represented by a public defender.

**Sec. -2. Notification of right to representation.** In every criminal case or proceeding in which a person entitled by law to representation by counsel appears without counsel, the judge shall advise him of his right to representation by counsel and also that if he is financially unable to obtain counsel, the court may appoint one at the cost to the state.

**Sec. -3. Request for appointment of public defender.** Any person so entitled may at reasonable time request the judge before whom the matter is pending, or the court in which he was convicted, to appoint counsel to represent him.

**Sec. -4. Financial inquiry; statements.** Upon a request for the appointment of counsel, the judge shall, according to standards of eligibility established by the Supreme Court, proceed to make appropriate inquiry into the financial circumstances of the applicant, who shall submit, unless waived by the court, a financial statement under oath or affirmation setting forth his assets and liabilities, source or sources of income. The court shall furnish appropriate forms for such financial statements. A person may waive his right to counsel by refusing to furnish such financial statements.

**Sec. -5. Appointment of counsel.** When it shall appear to a judge that a person requesting the appointment of counsel satisfies the requirements of this Act, the judge shall appoint counsel to represent him at all stages of the proceedings including appeal, if any. If conflicting interests exist, or if appointed counsel for any other reason is unable to act, or if the interests of justice require, the court may appoint other counsel.

**Sec. -6. Subsequent ability to pay counsel.** If at any time after counsel is appointed, the court having jurisdiction in the matter is satisfied that the defendant is financially able to obtain counsel or to make partial payment for the representation, the court may terminate the appointment of counsel, unless the person so represented is willing to pay therefor. If appointed counsel continues the representation, the court shall direct payment for such repre-

sentation as the interests of justice may dictate. Any payments directed by the court shall be general fund realizations.

If at any time after his appointment counsel should have reason to believe that a defendant is financially able to obtain counsel or to make partial payment for counsel, it shall be his duty to so advise the court so that appropriate action may be taken.

**Sec. -7. Services other than counsel.** Counsel, whether or not appointed by the court, for a defendant, who is financially unable to obtain investigatory, expert, or other services necessary for an adequate defense, may make a request for such services in an ex parte application. After appropriate inquiry in an ex parte proceeding, upon the findings of the judge that services are necessary and that the defendant is financially unable to obtain them, the judge shall authorize counsel to obtain the services on behalf of the defendant and the judge may establish a reasonable limitation for the sums of money to be expended. The judge shall determine reasonable compensation for the services so rendered, based on a claim for compensation supported by an affidavit specifying the time expended, services rendered, and expenses incurred on behalf of the defendant, and to prove the reasonableness of the charges a claimant may show the compensation received from others for similar services; provided, however, the compensation to be paid to any person or organization for such services shall not exceed \$300, exclusive of reimbursement for expenses reasonably incurred.

**Sec. -8. Office of the state public defender.** An office of state public defender is hereby created within the office of the governor.

**Sec. -9. Defender council.** The governor shall appoint a defender council consisting of five members, who shall serve at his pleasure. There shall be at least one member from each of the counties of the state. The chairman of the council shall be selected by its members. Each member shall serve without pay and shall be reimbursed for necessary expenses incurred while attending meetings and while in the discharge of his responsibilities. The council shall be the governing body of the office of the state public defender.

**Sec. -10. Appointment of state public defender.** To implement the purposes of this Act, the governor may contract with a non-profit organization which, for at least the past five years, has been providing administrative support to lawyers who are duly licensed by the Supreme Court of the State of Hawaii to provide legal services to indigents. The non-profit organization or division within the non-profit organization which provides the services herein provided for, shall be named the office of the public defender.

**Sec. -11. Appointment of state public defender.** The state public defender shall be appointed by the defender council without regard to Chapters 76 and 77. His appointment shall be for a term of four years except as otherwise provided herein, and until his successor is appointed and qualified. He shall be qualified to practice law before the Supreme Court of this State. The annual salary of the state public defender shall be \$25,000. The first state public defender appointed pursuant to this Section shall be appointed for a term commencing July 1, 1971, and expiring December 31, 1975. The state

**ACT 186**

public defender shall devote full time to the performance of his duties and shall not engage in the general practice of law.

**Sec. -12. Organization of office; assistance.** Subject to the approval of the defender council, the state defender may employ assistant state public defenders and such other employees as may be necessary to discharge the function of the office. The assistant public defenders shall be qualified to practice before the Supreme Court of this State. They shall be appointed without regard to Chapters 76 and 77, and shall serve at the pleasure of the state public defender. An assistant state public defender may be employed on a part-time basis and when so employed, he may engage in the general practice of law, other than in the practice of criminal law.

SECTION 2. Except for Section 611-5, Chapter 611 of the Hawaii Revised Statutes is repealed.

SECTION 3. Any law or act to the contrary notwithstanding, any appropriations made in the General Appropriations Act of 1971 made to the Judiciary for legal services for indigents may be transferred to the office of the governor to carry out the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 1971.

(Approved June 7, 1971.)

**ACT 186**

**H. B. NO. 491**

A Bill for an Act Relating to the Relief of Certain Persons' Claims Against the State and Providing Appropriations Therefor.

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

SECTION 1. The following respective sums of money are appropriated out of the general revenues of the State of Hawaii for the purpose of reimbursing the following named persons, firms, and corporations for overpayment of taxes or on account of other claims against the State in the amount set opposite their names:

**Section 37-76, HRS**

<b>REFUND OF TAXES</b>	<b>DIVISION</b>	<b>AMOUNT</b>
Blaisdell, Mabel E. (Real Property)	Second	\$ 1.02
Blaisdell, Mabel E. (Real Property)	Second	22.44
<del>Ching, Quan Yuen and Pauline L. C. (Real Property)</del>	<del>First</del>	<del>237.77</del>
Farden, Carl A. (Real Property)	Second	38.64
H.C.&D. Co., Ltd. (Real Property)	First	1,333.70
Kahala Garden Apartments, Inc. (General Excise)	First	1,881.95
St. Regis Paper Co. (General Excise)	First	8,203.65
Tamura, Richard N. and Christine M. (Income)	First	80.22
Tropic Seas, Inc. (General Excise)	First	11,437.88
Volberg, Fred J. Jr. (Real Property)	Third	323.28
Wakida, Donald M. and Geraldine (Use)	First	83.30

**JUDGMENTS AGAINST THE STATE  
AND SETTLEMENTS OF CLAIMS**

AMOUNT

Harper, Joe C.	\$11,408.00
Against the State of Hawaii in Civil No. 8944 Plus interest at 4% from December 9, 1968, the date of judgment in his favor to the effective date of this act.	

**MISCELLANEOUS CLAIMS**

AMOUNT

Fernandez, Annie	\$ 88.40
Damage to car suffered on September 29, 1970 at Waimano Training School and Hospital by food cart accident.	
Goya, Toshimatsu	482.37
Personal property losses in burglary at Waimano Training School and Hospital on August 5, 1970.	
Kataoka, Reginald	70.00
Personal property losses in burglary at Waimano Training School and Hospital on August 5, 1970.	
Kupahu, Lillian	25.00
Damage to car suffered on September 29, 1970 at Waimano Training School and Hospital by food cart accident.	
Okada, Hiroshi	10.00
Personal Property losses in burglary at Waimano Training School and Hospital on August 5, 1970.	
Pepper, Leonard J., Dr.	100.00
Reimbursement for personal expenses incurred on official duty, resulting from automobile accident on March 12, 1970.	
Remiticado, Elizabeth	21.00
Loss of purse and cash while chaperoning retarded patients of Waimano Training School and Hospital on October 14, 1970.	
Torres, Pecado	75.00
Reimbursement for loss of wristwatch while working at Hawaii Housing Authority.	

SECTION 2. The sums hereinabove appropriated shall be paid upon warrants issued by the comptroller of the State upon vouchers approved by the director of the State department of taxation in the several amounts and to the respective persons hereinabove set out as to said claims for taxes, and shall be paid upon warrants issued by said comptroller upon vouchers approved by the director of the department of budget and finance as to all other claims.

SECTION 3. If any portion of this Act or its application to any circumstances or person is held invalid for any reason, the remainder thereof shall not be affected thereby.

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

(Approved June 7, 1971.)

A Bill for an Act Relating to Employment Security.

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

SECTION 1. Section 383-2, Hawaii Revised Statutes, is amended to read:

**“Section 383-2. Definition of employment.** (a) As used in this chapter, unless the context clearly requires otherwise, ‘employment’, subject to sections 383-3 to 383-9, means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied.

(b) ‘Employment’ includes, but is not limited to, service performed by an employee, as defined in section 3306(i) of the Federal Unemployment Tax Act, including service in interstate commerce.

(c) The term ‘employment’ shall include the service of an individual who is a citizen of the United States, performed outside the United States (except in Canada or the Virgin Islands), after December 31, 1971 in the employ of an American employer or of this State or of any of its instrumentalities or of any of its political subdivisions (other than service which is deemed ‘employment under the provisions of section 383-3 or the parallel provisions of another state’s law) if:

- (1) the employer’s principal place of business in the United States is located in this State; or
- (2) the employer has no place of business in the United States, but
  - (A) the employer is an individual who is a resident of this State; or
  - (B) the employer is a corporation which is organized under the laws of this State; or
  - (C) the employer is a partnership or a trust and the number of the partners or trustees who are residents of this State is greater than the number who are residents of any one other state; or
- (3) none of the criteria of paragraphs (1) and (2) of this subsection is met but the employer has elected coverage in this State or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service under the law of this State.
- (4) an ‘American employer’, for purposes of this subsection, means a person who is
  - (A) an individual who is a resident of the United States; or
  - (B) a partnership if two-thirds or more of the partners are residents of the United States; or
  - (C) a trust, if all of the trustees are residents of the United States; or
  - (D) a corporation organized under the laws of the United States or of any state.
- (5) As used in this subsection, the term ‘United States’ includes the states, the District of Columbia and the Commonwealth of Puerto Rico.



(d) The term 'employment' shall include an individual's service, wherever performed within the United States, the Virgin Islands or Canada, if (a) such service is not covered under the unemployment compensation law of any other state, the Virgin Islands, or Canada, and (b) the place from which the service is directed or controlled is in this State."

SECTION 2. Section 383-7, Hawaii Revised Statutes, is amended to read:

**Section 383-7. Excluded service.** 'Employment' does not include the following service:

- (1) Agricultural labor as defined in section 383-9 if it is performed by an individual who is employed by an employing unit which had, in each of the current and the preceding calendar years, (A) no more than nineteen calendar weeks, whether consecutive or not, in which agricultural labor was performed by its employees, or (B) no more than nineteen individuals in its employ performing agricultural labor in any one calendar week, whether or not the same individuals performed the labor in each week;
- (2) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority performed in any calendar quarter by an individual if the cash remuneration paid by an employing unit for such service is less than \$225;
- (3) Service not in the course of the employing unit's trade or business performed in any calendar quarter by an individual, unless the cash remuneration paid for the service is \$50 or more and the service is performed by an individual who is regularly employed by the employing unit to perform the service. For the purposes of this paragraph, an individual shall be deemed to be regularly employed to perform service not in the course of an employing unit's trade or business during a calendar quarter only if (A) on each of some twenty-four days during the quarter the individual performs such service for some portion of the day, or (B) the individual was regularly employed (as determined under clause (A)) by the employing unit in the performance of such service during the preceding calendar quarter;
- (4) (A) Service performed on or in connection with a vessel not an American vessel, if the individual performing the service is employed on and in connection with the vessel when outside the United States;
- (B) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, including service performed as an ordinary incident thereto, except (i) the service performed in connection with a vessel of more than ten net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States), and (ii) the

service performed in connection with a vessel of ten net tons or less (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States) by an individual who is employed by an employing unit which had in its employ one or more individuals performing the service for some portion in each of twenty calendar weeks all occurring, whether consecutive or not, in either the current or the preceding calendar year, and (iii) service performed in connection with the catching or taking of salmon or halibut for commercial purposes;

- (5) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;
- (6) Service performed in the employ of the United States government or an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by this chapter, except that to the extent that the Congress of the United States permits states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this chapter shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services; provided that if this State is not certified for any year by the secretary of labor under section 3304(c) of the Federal Internal Revenue Code, the payments required of such instrumentalities with respect to such year shall be refunded by the department of labor and industrial relations from the fund in the same manner and within the same period as is provided in section 383-76 with respect to contributions erroneously collected;
- (7) Service performed in the employ of any other state, or any political subdivision thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more such states or political subdivisions; and any service performed in the employ of any instrumentality of one or more other states or their political subdivisions to the extent that the instrumentality is, with respect to such service, exempt from the tax imposed by section 3301 of the Internal Revenue Code of 1954;
- (8) Service with respect to which unemployment compensation is payable under an unemployment system established by an act of Congress;
- (9) (A) Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 501(a) of the Federal Internal Revenue Code (other than an organization described in section 401(a) or under section 521 of such Code), if (i) the remuneration for such service is less than \$50, or (ii) the service is performed by a fully ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by

a member of a religious order in the exercise of duties required by such order;

- (B) Service performed in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university;
- (10) Service performed in the employ of a foreign government (including service as a consular or other officer or employee of a non-diplomatic representative);
- (11) Service performed in the employ of an instrumentality wholly owned by a foreign government:
  - (A) If the service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and
  - (B) If the United States secretary of state has certified or certifies to the United States secretary of the treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof;
- (12) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law; and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law;
- (13) Service performed by an individual for an employing unit as an insurance agent or as an insurance solicitor, if all such service performed by the individual for the employing unit is performed for remuneration solely by way of commission;
- (14) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;
- (15) Service covered by an arrangement between the department and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by the employing unit's duly approved election, are deemed to be performed entirely within the agency's state;
- (16) Service performed by an individual who, pursuant to the Federal Economic Opportunity Act of 1964, is not subject to the federal laws relating to unemployment compensation.

None of the foregoing exclusions (1) to (16) shall apply to any service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions re-

quired to be paid into a State unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under this chapter.”

SECTION 3. Section 383-9, Hawaii Revised Statutes, is amended to read:

“Section 383-9. **Agricultural labor.** ‘Agricultural labor’ includes all service performed prior to January 1, 1972 which was agricultural labor as defined in this section prior to such date, and remunerated service performed after December 31, 1971:

- (1) On a farm, in the employ of any person in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of live-stock, bees, poultry, and furbearing animals and wildlife;
- (2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;
- (3) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15(g) of the Federal Agricultural Marketing Act, as amended, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;
- (4) (A) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one-half of the commodity with respect to which such service is performed;
- (B) In the employ of a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of service described in subparagraph (A), but only if such operators produced more than one-half of the commodity with respect to which such service is performed;
- (C) The provisions of subparagraphs (A) and (B) shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or
- (5) On a farm operated for profit if such service is not in the course of the employer’s trade or business.

As used in this section, 'farm' includes stock, dairy, poultry, fruit, furbearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities and orchards."

SECTION 4. Section 383-29, Hawaii Revised Statutes, is amended to read:

**"Section 383-29. Eligibility for benefits.** (a) An unemployed individual shall be eligible to receive benefits with respect to any week only if the department of labor and industrial relations finds that:

- (1) Claim. He has made a claim for benefits with respect to such week in accordance with such regulations as the department may prescribe.
- (2) Registration. He has registered for work at, and thereafter continued to report at, an employment office in accordance with such regulations as the department may prescribe, except that the department may, by regulation, waive or alter either or both of the requirements of this paragraph as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which it finds that compliance with such requirements would be oppressive, or would be inconsistent with the purpose of this chapter; provided that no such regulation shall conflict with section 383-21.
- (3) Availability. He is able to work and is available for work; provided, that no claimant shall be considered ineligible with respect to any week of unemployment for failure to comply with this paragraph if such failure is due to an illness or disability, as evidenced by a physician's certificate, which occurs during an uninterrupted period of unemployment with respect to which benefits are claimed and no work which would have been suitable prior to the beginning of such illness and disability has been offered the claimant; and provided further, that any claimant who because of marital obligations or approaching marriage, has voluntarily left work for an indefinite period, to engage in the occupation of a homemaker, shall be considered unavailable for work until availability for work is shown by some evidence in addition to registration for work and statement of availability, such as (but not limited to) the fact that conditions which led to leaving work have terminated; or arrangements have been made for the care of the household by others; or conditions require the claimant's contribution to the economic support of the household; or the claimant has had some work or made efforts to secure work.
- (4) Waiting period. He has been unemployed for a waiting period of one week within his benefit year, provided that no individual shall be required to serve a waiting week if the first week of his unemployment occurring within a benefit year is immediately preceded by a week of unemployment in the preceding benefit year for which benefits are payable. Notwithstanding any provisions of this section to the contrary, an individual shall be eligible to receive benefits for the waiting period of one week if he is entitled

to benefits for each of the twelve consecutive weeks following his waiting period. No week shall be counted as a waiting period:

- (A) If benefits have been paid with respect thereto;
  - (B) Unless the individual was eligible for benefits with respect thereto as provided in this section and section 383-30, except for the requirements of this paragraph (4).
- (5) Wages for insured work; weeks of employment.
- (A) In the case of an individual who has established a benefit year prior to January 3, 1965, he has been paid wages for insured work during his base period in an amount equal to at least the amount appearing in column C of the schedule in section 383-22 on the line on which, in column B of the schedule, appears his weekly benefit amount.
  - (B) In the case of an individual who has established a benefit year after January 2, 1965, but prior to January 2, 1966, he has had during his base period a total of fourteen or more weeks of employment as defined in section 383-1(19) and has been paid wages for insured work during his base period in an amount equal to at least the amount appearing in column C of the schedule in section 383-22 on the line on which in column B of the schedule, appears his weekly benefit amount.
  - (C) In the case of an individual whose benefit year begins on or after January 2, 1966, he has had during his base period a total of fourteen or more weeks of employment as defined in section 383-1(19) and has been paid wages for insured work during his base period in an amount equal to at least thirty times his weekly benefit amount as determined under section 383-22(b).
  - (D) For the purposes of this paragraph (5), wages and weeks of employment shall be counted for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the dates on which the employing unit by which such wages or other remuneration as provided in section 383-1(19) were paid has satisfied the conditions of section 383-1(9) with respect to becoming an employer.

(b) Benefits based on service in an instructional, research, or principal administrative capacity in an institution of education shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of education for both such academic years or both such terms.

(c) Notwithstanding any provisions of this chapter to the contrary, a claimant shall not be denied benefits because of his regular attendance at a vocational training or retraining course which the director of labor

and industrial relations has approved and continues from time to time to approve for the claimant. The director may approve such course for a claimant only if:

- (1) Reasonable employment opportunities for which the claimant is fitted by training and experience do not exist in the locality or are severely curtailed;
- (2) The training course relates to an occupation or skill for which there are, or are expected to be in the immediate future, reasonable employment opportunities in the locality;
- (3) The training course is offered by a competent and reliable agency; and
- (4) The claimant has the required qualifications and aptitudes to complete the course successfully."

SECTION 5. Section 383-33, Hawaii Revised Statutes, is amended to read:

**"Section 383-33. Determinations, in general.** A determination upon a claim filed pursuant to section 383-32 shall be made promptly by a representative of the department of labor and industrial relations authorized to make determinations upon claims and shall include a statement as to whether and in what amount the claimant is entitled to benefits in the manner with respect to which the determination is made and, in the event of a denial, shall state the reasons therefor. A determination with respect to the first week of a benefit year shall also include a statement as to whether the claimant has been paid the wages required under section 383-29(a) (5) and, if so, the first day of the benefit year, his weekly benefit amount, and the maximum total amount of benefits payable to him with respect to such benefit year.

If any employer fails to furnish the information necessary to determine whether and in what amount the claimant is entitled to benefits in the manner and within the time specified by this chapter or regulations of the department, the department shall make a determination based upon such information as is available. In the absence of fraud, any redetermination made on the basis of information furnished by the employer after the prescribed period shall be effective only as to benefits paid after the week in which the information was received. In the absence of a showing by the employer satisfying the department that he could not reasonably comply with the department's requirement, any benefits overpaid prior to the effective date of the redetermination as a result of the employer's failure to furnish the information as required shall be charged entirely against the account of the non-complying employer; provided that the overpaid benefits shall not, in any event, be recoverable from the claimant."

SECTION 6. Section 383-61, Hawaii Revised Statutes, is amended to read:

**"Section 383-61. Payment of contributions; wages not included.** (a) Contributions with respect to wages for employment shall accrue and become payable by each employer for each calendar year in which he is subject to this chapter. The contributions shall become due and be paid

by each employer to the director of labor and industrial relations for the fund in accordance with such regulations as the department of labor and industrial relations may prescribe, and shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ.

(b) For the purposes of this part, the term 'wages' does not include remuneration paid with respect to employment to an individual by an employer during any calendar year which exceeds ninety per cent of the average annual wage, rounded to the nearest hundred dollars, for the four calendar quarter period ending on June 30 of the preceding year. The average annual wage shall be computed as follows: on or before November 30 of each year the total remuneration paid by employers, as reported on contribution reports on or before such date, with respect to all employment during the four consecutive calendar quarters ending on June 30 of such year shall be divided by the average monthly number of individuals performing services in such employment during the same four calendar quarters as reported on such contribution reports.

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

(d) Subsections (b) and (c) of this subsection notwithstanding, for the purposes of this part, the term 'wages' shall include at least that amount of remuneration paid in a calendar year to an individual by an employer or his predecessor with respect to employment during any calendar year which is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a State unemployment fund."

SECTION 7. Section 383-62, Hawaii Revised Statutes, is amended to read:

**"Section 383-62. Rate of contributions; financing benefits paid to government employees and employees of nonprofit organizations.** (a) Each employer shall pay contribution equal to three per cent of wages paid by him during each calendar year with respect to employment, except as otherwise prescribed in this part.

(b) In lieu of contributions required of employers under this chapter, the State and its political subdivisions and instrumentalities (hereinafter referred to as 'governmental employers' or 'governmental employer' as the case may be) shall pay to the director of labor and industrial relations for the fund an amount equivalent to the amount of regular benefits plus one-half the amount of extended benefits paid to individuals based on wages paid by governmental employers. If benefits paid an individual are based



on wages paid by one or more governmental employers and one or more other employers, or on wages paid by two or more governmental employers, the amount payable by a governmental employer to the director for the fund shall be in accordance with the provisions of subsection (d) of this section, governing the allocation of benefit costs among employers liable for payments in lieu of contributions and between such employers and employers liable for contributions. For the purposes of subsection (d), governmental employers are employers liable for payments in lieu of contributions. The amount of payment required from governmental employers shall be ascertained by the department of labor and industrial relations and shall be paid from the general funds of such governmental employers at such time and in such manner as may be prescribed by the department and approved by the comptrollers or auditors of the respective governmental employers, except that to the extent that benefits are paid on the basis of wages paid by governmental employers from special administrative funds, the payment into the unemployment compensation fund shall be made from such special funds.

(c) Benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this subsection. For the purpose of this subsection and subsection (f), a nonprofit organization is an organization (or groups of organizations) described in section 501(c) (3) of the United States Internal Revenue Code which is exempt from income tax under section 501(a) of such code.

(1) Liability for contributions and election of reimbursement. Any nonprofit organization which is, or becomes, subject to this chapter on or after January 1, 1972 shall pay contributions under the provisions of this part (with the exception of the provisions in subsection (b) of this section) applicable to other employers unless it elects, in accordance with this paragraph, to pay to the director of labor and industrial relations for the fund an amount equal to the amount of regular benefits and of one-half of the extended benefits paid, that is attributable to service in the employ of such nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of such election.

(A) Any nonprofit organization which is, or becomes, subject to this chapter on January 1, 1972 may elect to become liable for payments in lieu of contributions for a period of not less than two calendar years beginning with January 1, 1972, provided it files with the department a written notice of its election within the thirty-day period immediately following such date, or within a like period immediately following the date of enactment of this subparagraph, whichever occurs later.

(B) Any nonprofit organization which becomes subject to this chapter after January 1, 1972 may elect to become liable for payment in lieu of contributions for a period beginning with the date on which such subjectivity begins and continuing for not less than two calendar years thereafter by filing a written notice of its election with the department not later

- than thirty days immediately following the date of the determination of such subjectivity.
- (C) Any nonprofit organization which makes an election in accordance with subparagraphs (A) or (B) of this paragraph will continue to be liable for payments in lieu of contributions until it files with the department a written notice terminating its election not later than thirty days prior to the beginning of the calendar year for which such termination shall be effective.
  - (D) Any nonprofit organization which has been paying contributions under this chapter for a period subsequent to January 1, 1972 may change to a reimbursable basis by filing with the department not later than thirty days prior to the beginning of any calendar year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next calendar year.
  - (E) The department may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1971.
  - (F) The department, in accordance with such regulations as the director of labor and industrial relations may prescribe, shall notify each nonprofit organization of any determination which it may make of such organization's status as an employer and of the effective date of any election which such organization makes and of any termination of such election. Such determination shall be conclusive upon such organization unless, within fifteen days after the notice thereof was mailed to its last known address or otherwise delivered to it, such organization files with the department an application for review and redetermination, setting forth the reasons therefor. The department shall promptly review and reconsider its determination and shall thereafter issue a redetermination in any case in which such application has been filed. Any such redetermination shall be conclusive upon the organization unless, within fifteen days after the redetermination was mailed to its last known address or otherwise delivered to it, the organization files written notice of appeal with the department, setting forth the reasons for the appeal. The appeal shall be heard by a referee in accordance with applicable provisions of sections 383-38 and 383-39, and the decision of the referee shall be subject to the provisions of section 383-41.
- (2) Reimbursement payments. Payments in lieu of contributions shall be made in accordance with the provisions of subparagraph (A).
- (A) As determined by the director of labor and industrial relations, the department shall bill each nonprofit organiza-

tion (or group of such organizations) which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one-half of the amount of extended benefits paid during such week, or other prescribed period, that is attributable to service in the employ of such organization.

- (B) Payment of any bill rendered under subparagraph (A) shall be made not later than thirty days after such bill was mailed to the last known address of the nonprofit organization or was otherwise delivered to it, unless there has been an application for review and redetermination in accordance with subparagraph (D).
  - (C) Payments made by any nonprofit organization under the provisions of this subsection shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization.
  - (D) The amount due specified in any bill from the department shall be conclusive and binding upon a nonprofit organization unless, within fifteen days after the notice thereof was mailed to its last known address or otherwise delivered to it, such organization files with the department an application for review and redetermination, setting forth the reasons therefore. The department shall promptly review and reconsider the amount due specified in the bill and shall thereafter issue a redetermination in which such application has been filed. Any such redetermination shall be conclusive on the organization unless, within fifteen days after the redetermination was mailed to its last known address or otherwise delivered to it, the organization files written notice of appeal with the department, setting forth the reasons for the appeal. The appeal shall be heard by a referee in accordance with applicable provisions of sections 383-38 and 383-39, and the decision of the referee shall be subject to the provisions of section 383-41.
- (3) Provision of security. Any nonprofit organization that elects to become liable for payments in lieu of contributions shall be required, within thirty days after the effective date of its election, to deposit with the department an amount of money as security.
- (A) The amount of the deposit required by this paragraph shall be equal to .2 per cent of the organization's total wages paid for employment during the calendar year immediately preceding the effective date of the election. If the nonprofit organization did not pay wages in each of the four calendar quarters of such calendar year, the amount of the deposit shall be as determined by the department.
  - (B) Any deposit of money in accordance with this paragraph shall be retained by the department in an escrow account until liability under the election is terminated, at which time it shall be returned to the organization, less any deductions

as hereinafter provided. The department may deduct from the money deposited under this paragraph by a nonprofit organization to the extent necessary to satisfy any due and unpaid payments in lieu of contributions. The department shall require the organization within thirty days following any deduction from a money deposit under the provisions of this subparagraph to deposit sufficient additional money to make whole the organization's deposit at the prior level. The department may, at any time, review the adequacy of the deposit made by any organization. If, as a result of such review, the department determines that an adjustment is necessary, it shall require the organization to make additional deposit within thirty days of written notice of its termination or shall return to the organization such portion of the deposit as it no longer considers necessary, whichever action is appropriate. Disposition of income from moneys held in escrow shall be governed by the applicable provisions of the State law.

- (C) If any nonprofit organization fails to make a deposit, or to increase or make whole the amount of a previously made deposit, as provided under this paragraph, the department may terminate such organization's election to make payments in lieu of contributions and such termination shall continue for not less than the four-consecutive-calendar-quarter period beginning with the quarter in which such termination becomes effective; provided, that the department may extend for good cause the applicable deposit or adjustment period by not more than thirty days.

(d) Each employer that is liable for payments in lieu of contributions under this section shall pay to the director of labor and industrial relations for the fund the amount of regular benefits plus the amount of one-half of extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer and one or more of such employers are liable for payments in lieu of contributions, the amount payable to the fund by each employer that is liable for such payments shall be determined in accordance with the provisions of subparagraph (1) or subparagraph (2).

- (1) Proportionate allocation when fewer than all base-period employers are liable for reimbursement. If benefits paid to an individual are based on wages paid by one or more employers that are liable for payments in lieu of contributions and on wages paid by one or more employers that are liable for contributions, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

(2) Proportionate allocation when all base-period employers are liable for reimbursement. If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

(e) Two or more employers that have become liable for payments in lieu of contributions, may file a joint application to the department of labor and industrial relations for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this subsection. Upon its approval of the application, the department shall establish a group account for such employers effective as of the beginning of the calendar quarter in which the department receives the application, and it shall notify the group's representative of the effective date of the account. Such account shall remain in effect for not less than two years and thereafter until terminated at the discretion of the department or upon application by the group. The director of labor and industrial relations shall prescribe such regulations as he deems necessary with respect to applications for establishment, maintenance and termination of group accounts that are authorized by this paragraph, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this paragraph by members of the group and the time and manner of such payments.

(f) Notwithstanding any provisions in subsections (c) and (d), any nonprofit organization that prior to January 1, 1969 paid contributions required by this part, and that pursuant to subsection (c) of this section elects within thirty days after the effective date of such subsection (c) to make payments in lieu of contributions, shall not be required, beginning with the effective date of subsection (c), to make any such payments on account of any regular or extended benefits paid, on the basis of wages paid by such organization, to individuals for weeks of unemployment which begin on or after the effective date of such election until the total amount of such benefits equals the amount of the positive reserve balance in the account of such organization."

SECTION 8. Section 383-65, Hawaii Revised Statutes, is amended to read:

**"Section 383-65. Charges and noncharges for benefits.** (a) Except as otherwise provided in this section, benefits paid to an individual shall be charged against the accounts on his base period employers and the amount of benefits so chargeable against each base period employer's account shall bear the same ratio to the total benefits paid to the individual as the base period wages paid to the individual by the employer bear to the

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total amount of base period wages paid to the individual by all of his base period employers. Benefits paid in benefit years beginning after June 30, 1963 shall be charged to employers' accounts in the calendar years in which the benefits are paid.

(b) Benefits, as hereinafter provided in this subsection, paid to an individual during the benefit year shall not be charged to the account of any of his base period employers from whose employment the individual became separated during the base period or the three-month period immediately preceding the benefit year under one of the following circumstances:

- (1) Left his work voluntarily without good cause, or
- (2) Was discharged for misconduct connected with his work, or
- (3) Left his work voluntarily for good cause not attributable to the employer. Such nonchargeable benefits shall be an amount which shall bear the same ratio to the total benefits paid to the individual as the base period wages paid to the individual during any continuous period of employment ending with a separation in the base period or three-month period under circumstances (1), (2), or (3) enumerated above bear to the total amount of base period wages paid to the individual.

(c) Benefits paid to an individual, who, during his base period, earned wages for part-time employment with an employer, shall not be charged to the account of the employer if he continues to give the individual employment to the same extent while he is receiving benefits as during the base period and the employer establishes such fact to the satisfaction of the director of labor and industrial relations.

(d) Benefits paid to an individual for the period he is enrolled in and is in regular attendance at a vocational training or retraining course approved by the director pursuant to section 383-29 shall not be charged to any of his base period employers.

(e) For the purposes of the arrangements in which the department will participate pursuant to section 383-106(b) only, 'base period' as used in this section shall mean the base period of this or any other state applied to a claim involving the combining of an individual's wages and employment covered under two or more State unemployment compensation laws.

(f) Benefits paid to an individual under the provisions of the extended benefits program, sections 383-168 to 383-174, of this chapter, shall not be charged to the account of any of his base period employers."

SECTION 9. Section 383-105, Hawaii Revised Statutes, is amended to read:

**"Section 383-105. Federal-state cooperation.** (a) In the administration of this chapter, the department of labor and industrial relations shall cooperate with the United States department of labor to the fullest extent consistent with this chapter, and shall take such action, through the adoption of appropriate rules, regulations, administrative methods, and standards, as may be necessary to secure to the State and its citizens

all advantages available under the provisions of the Social Security Act, as amended, that relate to unemployment compensation, the Federal Unemployment Tax Act, the Wagner-Peyser Act, as amended, and the Federal-State Extended Unemployment Compensation Act of 1970.

(b) In the administration of the provisions in sections 383-168 to 383-174 of this chapter, which are enacted to conform with the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, the department of labor and industrial relations shall take such action as may be necessary (1) to ensure that the provisions are so interpreted and applied as to meet the requirements of such Federal Act as interpreted by the United States department of labor, and (2) to secure to the State the full reimbursement of the federal share of extended benefits paid under this chapter that are reimbursable under the Federal Act."

SECTION 10. Section 383-106, Hawaii Revised Statutes, is amended to read:

**"Section 383-106. What reciprocal arrangements authorized.** (a) The department of labor and industrial relations may enter into reciprocal arrangements with appropriate and duly authorized agencies of other states or of the federal government, or both, whereby:

- (1) Multistate employment. Services performed by an individual for a single employing unit for which services are customarily performed in more than one state shall be deemed to be services performed entirely within any one of the states:
  - (A) In which any part of the individual's services is performed, or
  - (B) In which the individual has his residence, or
  - (C) In which the employing unit maintains a place of business; provided there is in effect, as to such services, an election, approved by the agency charged with the administration of the state's unemployment compensation law, pursuant to which all the services performed by the individual for the employing unit are deemed to be performed entirely within the state;
- (2) Accumulated benefit rights. Potential rights to benefits accumulated under the unemployment compensation laws of one or more states or under one or more such laws of the federal government, or both, may constitute the basis for payment of benefits through a single appropriate agency under terms which the department finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund;
- (3) Insured work. Wages or services, upon the basis of which an individual may become entitled to benefits under an unemployment compensation law of another state or of the federal government, shall be deemed to be wages for insured work for the purpose of determining his rights to benefits under this chapter, and wages for insured work, on the basis of which an individual may become entitled to benefits under this chapter shall be deemed to be wages or services on the basis of which unemployment com-

pensation under such law of another state or of the federal government is payable, but no such arrangement shall be entered into unless it contains provisions for reimbursements to the fund for such of the benefits paid under this chapter upon the basis of such wages or services and provisions for reimbursements from the fund for such of the compensation paid under such other law upon the basis of wages for insured work, as the department finds will be fair and reasonable as to all affected interests; and

- (4) Payment of contributions. Contributions due under this chapter with respect to wages for insured work shall for the purposes of sections 383-61 to 383-75 of this chapter be deemed to have been paid to the fund as of the date payment was made as contributions therefor under another state or federal unemployment compensation law, but no such arrangement shall be entered into unless it contains provisions for such reimbursement to the fund of such contributions and the actual earnings thereon as the department finds will be fair and reasonable as to all affected interests.

(b) The provisions of subsection (a) (2) of this section and of section 383-107 notwithstanding, the department of labor and industrial relations shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment covered under this chapter with his wages and employment covered under the unemployment compensation laws of other states which are approved by the United States secretary of labor in consultation with the State unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for:

- (1) applying the base period of a single State law to a claim involving the combining of an individual's wages and employment covered under two or more State unemployment compensation laws, and
- (2) avoiding the duplicate use of wages and employment by reason of such combining."

SECTION 11. Section 383-107, Hawaii Revised Statutes, is amended to read:

**"Section 383-107. Reimbursement payments deemed benefits, when.** Reimbursements paid from the fund pursuant to section 383-106(a) (3) shall be deemed to be benefits for the purpose of sections 383-21 to 383-24, 383-72, 383-76, and 383-121 to 383-124. The department of labor and industrial relations may make to other state or federal agencies and receive from such other state or federal agencies reimbursements from or to the fund, in accordance with arrangements entered into pursuant to section 383-106."

SECTION 12. Section 383-123, Hawaii Revised Statutes, is amended to read:

**"Section 383-123 Withdrawals; administrative use.** (a) Withdrawals Moneys requisitioned from the State's account in the unemployment trust fund shall be used exclusively for the payment of benefits and for refund:



pursuant to section 383-76 and section 383-7(6), except that moneys credited to this State's account pursuant to section 903 of the Social Security Act, as amended, shall be used exclusively as provided in subsection (b) of this section. The director of finance shall from time to time, with the approval of the department of labor and industrial relations in accordance with the regulations prescribed by the comptroller of the State, requisition from the unemployment trust fund such amounts, not exceeding the amount standing to this State's account therein, as it deems necessary for the payment of such benefits and refunds for a reasonable future period. Upon receipt thereof the moneys shall be deposited in the benefit account. Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of moneys in their custody. All benefits and refunds shall be paid from the fund upon warrants drawn upon the director of finance by the comptroller of the State supported by the department. Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which the sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits and refunds during succeeding periods, or, in the discretion of the department, shall be re-deposited with the secretary of the treasury of the United States, to the credit of this State's account in the unemployment trust fund, as provided in section 383-122.

(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 the moneys are appropriated and the amounts appropriated therefor, (2) limits the period within which the 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 twelve-month period beginning on July 1 and ending on the next June 30 to an amount which does 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 the same twelve-month period and the fourteen preceding twelve-month periods exceeds (B) the aggregate of the amounts obligated pursuant to this subsection and charged against the amounts credited to the account of this State during such fifteen twelve-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 twelve-month period specified herein may be charged against any amount credited during such twelve-month period earlier than the fourteenth 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 the 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 13. Sections 383-168 through 174, Hawaii Revised Statutes, are hereby added as follows:

**"Section 383-168. Definitions.** As used in this part, unless the context clearly requires otherwise:

- (1) 'Extended benefit period' means a period which:
  - (A) Begins with the third week after whichever of the following weeks occurs first:
    - (i) A week for which there is a national 'on' indicator, or
    - (ii) A week for which there is a State 'on' indicator; and
  - (B) Ends with either of the following weeks, whichever occurs later:
    - (i) The third week after the first week for which there is both a national 'off' indicator and a State 'off' indicator; or
    - (ii) The thirteenth consecutive week of such period; provided that no extended benefit period may begin by reason of a State 'on' indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this State; and provided further that, within the period beginning on July 1, 1971 and ending on December 31, 1971, an extended benefit period may become effective and be terminated in this State solely by reason of a State 'on' and a State 'off' indicator, respectively.
- (2) There is a 'national 'on' indicator' for a week if the United States secretary of labor determines that for each of the three most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states equaled or exceeded 4.5 per cent.
- (3) There is a 'national 'off' indicator' for a week if the United States secretary of labor determines that for each of the three most recent completed calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states was less than 4.5 per cent.
- (4) There is a 'State 'on' indicator' for this State for a week if the director of labor and industrial relations determines, in accordance

- with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this chapter:
- (A) Equaled or exceeded 120 per cent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, and
  - (B) Equaled or exceeded 4 per cent.
- (5) There is a 'State 'off' indicator' for this State for a week if the director determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) under this chapter:
- (A) Was less than 120 per cent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, or
  - (B) Was less than 4 per cent.
- (6) 'Rate of insured unemployment,' for purposes of paragraphs (4) and (5) of this section, means the percentage derived by dividing:
- (A) The average weekly number of individuals filing claims in this State for weeks of unemployment with respect to the most recent thirteen-consecutive-week period, as determined by the director on the basis of his reports to the United States secretary of labor, by
  - (B) The average monthly employment covered under this chapter for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.
- (7) 'Regular benefits' means benefits payable to an individual under this chapter or under any other State law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits.
- (8) 'Extended benefits' means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to an individual under the provisions of this part for weeks of unemployment in his eligibility period.
- (9) 'Additional benefits' means benefits payable to an individual under chapter 385.
- (10) 'Eligibility period' of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, and weeks thereafter which begin in such period.
- (11) 'Exhaustee' means an individual who, with respect to any week of unemployment in his eligibility period:
- (A) Has received, prior to such week, all of the regular benefits that were available to him under this chapter or any other State law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes

such week; provided that, for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal with respect to wages and/or employment that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

- (B) His benefit year having expired prior to such week, has no, or has insufficient, wages and/or employment on the basis of which he could establish a new benefit year that would include such week; and
  - (C) (i) Has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other federal laws as are specified in regulations issued by the United States secretary of labor; and
    - (ii) has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee.
- (12) 'State law' means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the Internal Revenue Code of 1954.

**Section 383-169. Effect of State law provisions relating to regular benefits on claims for, and the payment of, extended benefits.** Except when the result would be inconsistent with the other provisions of this part, as provided in the regulations of the director, the provisions of this chapter which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

**Section 383-170. Eligibility requirements for extended benefits.** An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the department finds that with respect to such week:

- (1) He is an 'exhaustee' as defined in section 383-168(11).
- (2) He has satisfied the requirements of this chapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

**Section 383-171. Weekly extended benefit amount.** The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year. For any individual who was paid benefits during the applicable benefit year in

accordance with more than one weekly benefit amount, the weekly extended benefit amount shall be the average of such weekly benefit amounts.

**Section 383-172. Total extended benefit amount.** The total extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be fifty per cent of the total amount of regular benefits which were payable to him under this chapter in his applicable benefit year; provided that the amount so determined shall be reduced by the total amount of additional benefits paid (or deemed paid) to the individual under the provisions of chapter 385 for weeks of unemployment in the individual's benefit year which began prior to the effective date of the extended benefit period which is current in the week for which the individual first claims extended benefits.

**Section 383-173. Beginning and termination of extended benefit period.** Whenever an extended benefit period is to become effective in this State (or in all states) as a result of a state or a national 'on' indicator, or an extended benefit period is to be terminated in this State as a result of state and national 'off' indicators, the director shall make an appropriate public announcement.

**Section 383-174. Computations.** Computations required by the provisions of section 383-168(6) shall be made by the director, in accordance with regulations prescribed by the United States secretary of labor."

SECTION 13. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material, or the underscoring.\*

SECTION 14. This Act shall take effect on January 1, 1972, with the exception of sections 383-168 to 383-174 which shall take effect on July 1, 1971.

(Approved June 7, 1971.)

## ACT 188

S. B. NO. 894

A Bill for an Act Relating to Manpower Development and Training.

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

SECTION 1. Section 394-1, Hawaii Revised Statutes, is amended to read:

**"§394-1 Purpose.** The purpose of this chapter is to establish manpower development and training programs in the State of Hawaii and to determine the extent to which the employment needs of individuals can be met by either job training or a public service job or a combination of both."

SECTION 2. Section 394-2, Hawaii Revised Statutes, is amended to read:

\* Edited accordingly.

## ACT 188

**“§394-2 Establishment of programs.** There is established within the department of labor and industrial relations manpower development and training programs for the various industries in the State. The training programs are to be developed to assist those unemployed and underemployed persons who cannot reasonably be expected to obtain suitable full-time employment without the benefit of training. Instruction and training shall be provided by the department of education and the University of Hawaii system, and/or other suitable agencies. Where a need is indicated to overcome barriers to possible training, the department of labor and industrial relations, either on its own or in cooperation with the various departments and agencies of the state and county governments and private industry, may arrange for transportation, child care, health care and other aids to employment. The department of labor and industrial relations is also authorized to formulate and carry out a program of providing useful public service employment to unemployed persons. Refusal to participate in any training program or to accept suitable work as determined by the department of labor and industrial relations without justifiable reasons shall render an unemployed or underemployed person ineligible for public assistance from the department of social services and housing.”

SECTION 3. Section 394-3, Hawaii Revised Statutes, is amended to read:

**“§394-3 Contracts.** The department of labor and industrial relations is authorized to enter into contracts for manpower development and training with the department of education and the University of Hawaii system.”

SECTION 4. Section 394-4, Hawaii Revised Statutes, is amended to read:

**“§394-4 Compensation.** The State shall pay to each person who is enrolled in a manpower development and training program a weekly compensation equal to the average weekly benefit amount provided under chapter 383. It may pay to each person who is employed on a public service employment project instituted under §394-2 the prevailing wages of persons employed in similar public employment.”

SECTION 5. Section 394-5, Hawaii Revised Statutes, is amended to read:

**“§394-5 Administration.** The department of labor and industrial relations is authorized, with the advice of the State Commission on manpower and full employment, to plan and administer manpower development and training programs under this chapter. The department shall process the payment of weekly compensation as provided under this chapter.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$400,000, or so much thereof as may be necessary, for the payment of compensation and wages under Chapter 394 from July 1, 1971 to June 30, 1973.

SECTION 7. The department of social services and housing may transfer to, and the department of labor and industrial relations may expend, any

appropriations made for the fiscal biennium 1971-73 which may be in excess of the needs of the department of social services and housing for public assistance.

SECTION 8. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 9. This Act shall take effect upon its approval.  
(Approved June 8, 1971.)

ACT 189

H. B. NO. 1059

A Bill for an Act Relating to Special Plates for Official Representatives of Foreign Governments.

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

SECTION 1. Chapter 286, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“Sec. 286- . Special license plates for consul or official representative of foreign government.** Notwithstanding any other law to the contrary, any consul or official representative of a foreign government, duly licensed and holding an exequatur issued by the Department of State of the United States of America, may be furnished at no cost special license plates by the treasurer on such conditions as may be necessary on a vehicle used on official consular business. The special license plates shall be securely fastened to the vehicle in lieu of the regulation number plates; provided that the tag or emblem, issued each year, shall be affixed to the special license plates in the manner provided for in section 249-7. Whenever the consul or official representative transfers or assigns his interest in or title in the vehicle to which the special license plates were issued, he shall immediately surrender the special license plates to the treasurer.

SECTION 2. This Act shall take effect upon its approval.  
(Approved June 8, 1971.)

ACT 190

H. B. NO. 1437

A Bill for an Act Relating to Elevator Mechanics.

*Be It Enacted By the Legislature of the State of Hawaii:*

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately numbered and to read as follows:

**“CHAPTER  
ELEVATOR MECHANICS**

**Sec. -1 Definitions.** As used in this chapter:

\* Edited accordingly.

- (1) "Board" means the elevator mechanics licensing board created by this chapter.
- (2) "Elevator mechanic" means any person who engages in the construction, reconstruction, alteration, maintenance, mechanical, or electrical work or adjustments of any elevator, dumbwaiter, escalator, moving walk or ramp, or manlift.

**Sec. -2 License required.** No person shall operate or practice as an elevator mechanic unless he is licensed under this chapter.

**Sec. -3 Elevator mechanics licensing board; appointment; organization.** There is created an elevator mechanics licensing board within the department of regulatory agencies for administrative purposes. The board shall consist of five members, three of whom shall be licensed elevator mechanics, and the remaining shall be lay members, not connected or associated with the elevator or building industry. The governor shall appoint the members of the board in accordance with section 26-34; provided that in the initial appointment of the board, the elevator mechanic members need not satisfy the licensing requirements of this chapter, but shall have been elevator mechanics registered by the department of labor and industrial relations. The board shall elect one of its members as chairman.

Members of the board shall serve without compensation but shall be reimbursed for travel and other necessary expenses incurred in the performance of official duties.

**Sec. -4 Meetings; quorum.** The board shall meet not less than once a year at a time and place as determined by the board. The board shall also meet at such other times and places as may be necessary or requested by the department of regulatory agencies. Three members of the board shall constitute a quorum.

**Sec. -5 Powers and duties of the board.** The board shall:

- (1) Adopt rules and regulations in accordance with chapter 91 to carry out the purposes of this chapter;
- (2) Develop and apply appropriate techniques, including examinations and investigations for determining whether a person meets the requirements of this chapter and standards to insure that elevator mechanics will be persons qualified to serve as such;
- (3) Issue licenses to persons determined, after application of such techniques, to have met such qualifications and revoke or suspend licenses, previously issued by the board pursuant to hearings held in accordance with chapter 91, in any case where the individual holding any such license is determined substantially to have failed to conform to such qualifications, this chapter, or the rules and regulations of the board;
- (4) Establish and carry out procedures designed to insure that persons licensed as elevator mechanics will, during any period they serve as such, comply with the requirements of this chapter, the rules and regulations of the board, and chapter 376 and the rules and regulations promulgated thereunder;



- (5) Receive, investigate, and take appropriate action with respect to, any charge or complaint filed with the board to the effect that any individual licensed as an elevator mechanic has failed to comply with the requirements of this chapter, the rules and regulations of the board, or chapter 376 and the rules and regulations promulgated thereunder;
- (6) Register apprentice elevator mechanics;
- (7) Maintain a record of its proceedings; and
- (8) Assist and advise the department of labor and industrial relations in the promulgation of rules and regulations relating to the conditions of work for elevator mechanics including requirements related to equipment or facilities essential for the safe installation, repair, maintenance, or alteration of any elevator, dumbwaiter, escalator, moving walk or ramp, and manlift.

**Sec. -6 Qualifications for license.** No person shall be licensed as an elevator mechanic unless he has been a resident of the State for at least one year, satisfactorily passed the examination administered by the board, and satisfactorily completed at least two years of training under the supervision of a licensed, registered, or journeyman elevator mechanic.

**Sec. -7 Temporary permit.** The board may issue a temporary permit to any person who has qualified as an elevator mechanic in another state with standards substantially equal to those of this chapter and who possesses skills or training not available in the State. The board shall, by rules and regulations, establish the terms of the temporary permit.

**Sec. -8 License fees, renewals.** An applicant for a license or temporary permit to practice as an elevator mechanic shall pay a fee of \$10. A fee of \$5 is required for each re-examination. Application fees are not refundable.

Licenses shall expire on June 30 of each year and the annual license renewal fee shall be \$10.

**Sec. -9. Injunctive relief.** The board may apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a license or registered or whose license has been suspended or revoked or has expired; and, upon the filing of a verified petition in the court, the court or any judge thereof, if satisfied by affidavit or otherwise, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing as an elevator mechanic. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it is established that the defendant has been or is practicing as an elevator mechanic without having been issued a license or registered or has been or is practicing as an elevator mechanic after his license has been suspended or revoked or has expired, the court or any judge thereof may enter a decree enjoining the defendant from further practicing as an elevator mechanic. In case of violation of any injunction issued under this section, the court may summarily try and punish the offender for contempt of court. The injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter.

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**Sec. -10 Penalties.** Any person who violates this chapter shall be fined not more than \$500 for a first offense. For each subsequent offense he shall be fined not more than \$1,000, or imprisoned not more than one year, or both.”

SECTION 2. Chapter 376, Hawaii Revised Statutes, is amended by adding a new section to be appropriately numbered and to read as follows:

“**Sec. 376- Elevators, escalators, etc., safety standards.** The department of labor and industrial relations shall consult with the elevator mechanics licensing board in the promulgation of rules and regulations relating to conditions of work for elevator mechanics.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved June 8, 1971.)

## ACT 191

H. B. NO. 1129

A Bill for an Act Relating to Licensing Requirements for Contractors.

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

SECTION 1. Section 444-11, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 444-11 No license issued when.** No license hereunder shall be issued to:

- (1) Any person unless he has filed an application therefor;
- (2) Any person who does not possess a good reputation for honesty, truthfulness, financial integrity, and fair dealing;
- (3) Any individual unless he is of the age of twenty years or more;
- (4) Any individual qualifying as a contractor unless he has been a resident of the state for at least one year;
- (5) Any copartnership or joint venture which is not exempt under section 444-2(8) unless the contracting business thereof is under the direct management of a partner or employee thereof, unless such partner has been a resident of the state for at least one year or such employee has been a resident of the state for at least two years, and unless such partner or employee holds an appropriate license;
- (6) Any individual who is unable to qualify as a contractor or any corporation, unless the contracting business of such individual or corporation is under the direct management of an officer or employee thereof, unless such officer or employee has been a resident of the state for at least two years, and unless such officer or employee holds an appropriate license;

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\* Edited accordingly.

- (7) Any person unless he submits satisfactory proof to the contractors license board that he has obtained workmen's compensation insurance or has been authorized to act as a self-insurer as required by chapter 386.
- (8) The provisions of this Act shall not apply when it is determined by the contractors license board that less than ten persons are qualified to perform the work in question. The provisions also shall not apply with respect to projects which require additional qualifications beyond those established by the licensing law, and which are deemed necessary and in the public interest by the contracting agency."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved June 8, 1971.)

## ACT 192

H. B. NO. 1222

A Bill for an Act Relating to Housing.

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

SECTION 1. Section 1 of Act 194, Session Laws of Hawaii 1961, is amended to read:

**"Section 1. Findings and Purpose.** The capital needs of the economy of the State have grown to such an extent that available local capital is insufficient to meet those needs. Among the consequences of the inability of Hawaii to meet its capital requirements out of its own local funds have been a shortage of mortgage funds for home and commercial financing. Moreover, in consequence of the extremely high price of home ownership in Hawaii a buyer has to pay large down and monthly payments which many low income home buyers find difficult to meet. The purpose of this Act is to help remedy the shortage of mortgage investment funds with which Hawaii is faced; first, by making available loans to provide added capital with which qualified applicants can meet required down payments for home construction and to extend the normal terms of loans over a longer period of time, and second, by attracting out-of-state mortgage funds to Hawaii."

SECTION 2. The caption of Part I, Chapter 207, Hawaii Revised Statutes, is amended to read:

**"PART I. HOME LOANS FOR LOW INCOME HOME BUYERS ON STATE LAND"**

SECTION 3. Section 356-39, Hawaii Revised Statutes, is amended to read:

\* Edited accordingly.

**“Sec. 356-39 Assistance to county governmental agencies and persons.**

The authority may provide assistance and aid to a public agency or a person in developing and constructing new housing and rehabilitating old housing for the elderly of low income, other persons of low income and persons displaced by any governmental action, by making available long-term, low-interest mortgage loans from the proceeds of tax-exempt general obligation bonds, the payment of the principal and interest of which shall be reimbursed to the general fund from revenue and to be sold on the open market. The authority may charge service fees and premiums upon the issuance of any mortgage loan under this section. The service fees and premiums shall be paid into a special fund in the state treasury, and shall be paid first to reimburse the general fund for the payment of the interest on bonds issued under this section, and then to pay the expense of the Hawaii housing authority in administering the mortgage loan program established by this section.

The assistance or aid shall not be furnished with respect to any specific proposal or project unless the county governmental agency within whose jurisdiction the proposal or project is or is proposed to be situated shall have given its consent.

Debt service on the bonds would be reimbursed to the general fund, and administrative costs would be paid, from income received from rents and carrying charges. The agency may obtain from any federal agency any insurance or guarantee for the payment of interest or principal, or both, on any obligations issued pursuant to the provisions of this section.

The director of finance may issue general obligation bonds of the State pursuant to part I of chapter 39 in an amount not to exceed \$15,000,000 to effectuate the purposes of this section subject to prior approval of the governor.”

SECTION 4. Section 359G-1, Hawaii Revised Statutes, is amended to read:

**“Sec. 359G-1 Purpose.** The legislature of the State of Hawaii has determined that there exists in the State a critical shortage of housing units for lower income residents. Various studies have indicated the need for from between 40,000 to 50,000 units at the present time. These studies show that the forces of population increase and obsolescence will combine to create a need for over 250,000 units by 1985. Since 1961, the economy has been producing an average of less than 10,000 units annually. The population increase, the obsolescence of existing housing and the rate at which housing units are presently being built will combine to intensify the present shortage. The legislature has further determined and hereby determines that shortage of housing, or inadequate housing, for persons of whatever level of income has an effect upon the availability and quality of housing for persons of other levels of income; that a shortage of housing leads to impairment of existing housing through use of such existing housing for occupancy in excess of that for which it is designed; and that a shortage of housing contributes to the occurrence of slums, slum conditions and unsanitary and unsafe housing and to the recurrence of slums, slum conditions and unsanitary and unsafe housing in areas in which slums, slum conditions and unsanitary and unsafe housing have previously been eliminated.

The legislature has also determined that decent shelter and the responsibility of home ownership contributes to the pride and dignity of man and makes him a greater asset to the community and that the lack of decent shelter and the responsibility of home ownership contributes to harmful frustration in our community. The home is the basic source of shelter and security in society, the center of our society which provides the basis for the development of our future citizens. Frustration in the basic necessity of decent shelter, in the satisfaction of the basic drive in man to provide a decent home for his family, provokes an unrest in our community that is harmful to the overall fiber of our society.

Studies have pointed out that the causes for the high cost of housing are multiple. They include the cost and availability of land, the cost of development, the cost and availability of financing, the cost added by government regulation, the cost and availability of labor and materials, the inflationary state of the economy that makes high cost housing more profitable to produce and more attractive to 'risk' capital. In the most elemental way the housing shortage is caused by conflicting priorities in our pluralistic society. Additionally, the legislature is aware that the housing market is a total market and that neglecting the interests of renters or higher income potential homeowners would not be proper.

When conflicting priorities, otherwise wholesome in a great state, combine to frustrate one of the basic needs of that state so as to endanger its general health and welfare, the elected representatives of the people of such state have the obligation to provide to the best of their ability the means whereby these priorities can be resolved.

The legislature of the State has determined that the problem of providing reasonable priced housing in Hawaii is so complex that existing institutions cannot solve it without a comprehensive overview and direction. The legislature has determined that the problem must be solved for the general well being of the State and that the legislature has the duty to provide the overview and the direction."

SECTION 5. Chapter 359G, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

**"Sec. 359G- Criteria.** In administering the provisions of this chapter and the other laws of the State applicable to the supplying of housing or the assistance in obtaining housing, the authority shall give preference to those applicants most in need of assistance in obtaining housing, in light of the amount of moneys available for the various programs. In doing so the authority shall take into consideration the applicant's household income and number of dependents; the physical handicaps of the applicant or those living with him; whether or not the present housing of the applicant is below standard; whether or not the applicant's need for housing has arisen by reason of displacement of the applicant by governmental action; and such other factors as it may deem pertinent."

SECTION 6. Section 359G-4, Hawaii Revised Statutes, is amended to read:

**"Sec. 359G-4 Powers and duties, generally.** The authority shall: (a) De-

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velop fee simple or leasehold property, construct dwelling units thereon, including condominiums and planned units, and sell, lease or rent or cause to be leased or rented the land and the completed units at the lowest possible price to qualified residents of the State, and the authority shall perform such functions in partnership with a qualified partner or partners as herein-after defined, or shall act in its own behalf.

A qualified resident means a person who:

- (1) Is a citizen of the United States or a declarant alien who has resided in the State for a period of five years or more;
- (2) Is at least twenty years of age;
- (3) Is a bona fide resident of the State and has a bona fide intent to reside in the dwelling unit purchased or rented under this chapter; and
- (4) In the case of purchase of a dwelling unit in fee simple or leasehold, has a gross income sufficient to qualify for the loan to finance the purchase.

Any person whom the authority finds to be within one of the following classes, shall not be eligible to become a purchaser of a dwelling unit, to wit:

- (1) A person who himself or whose husband or wife or both (when husband and wife are living together) owns or own in fee simple or leasehold lands suitable for dwelling purposes within the county and in or reasonably near the place of residence or place of business of the persons; and
- (2) A person who himself or whose husband or wife (when husband and wife are living together) has pending an unrefused application to purchase a dwelling unit under this chapter from the authority.

The authority shall require all applicants for the purchase of dwelling units to make application therefor under oath, and may require additional testimony or evidence under oath in connection with any application. The determination of any applicant's eligibility under this chapter by the authority shall be conclusive as to all persons thereafter dealing with the property; but the making of any false statement knowingly by the applicant or other person to the authority in connection with any application shall constitute perjury and be punishable as such. The authority shall establish a system to determine preferences by lot in the event that it receives more qualified applications than it has units available.

(b) Adopt and promulgate, in accordance with chapter 91, all rules and regulations necessary to carry out the purpose of this chapter, including, upon direction from the governor and for such period as he shall authorize, rules and regulations on health, safety, building, planning, zoning, and land use which relate to the development, subdivision, and construction of dwelling units in projects in which the State, through the authority, shall participate. Upon the promulgation and adoption of such rules and regulations, they shall have the force and effect of law and shall supersede, for all projects in which the State through the authority shall participate, all other inconsistent laws, ordinances, and rules and regulations relating to the use, zoning, planning, and

development of land, and the construction of dwelling units thereon; provided, that such rules and regulations shall not contravene any safety standards or tariffs approved by the public utilities commission for public utilities. Such rules and regulations shall follow existing law as closely as is consistent with the production of low cost housing with standards which meet minimum requirements of good design, pleasant amenities, health, safety and coordinated development; provided, that any rules or regulations promulgated hereunder shall, before becoming effective, be presented to the legislative body of each county in which they will be effective and the legislative body of any county may within forty-five days approve or disapprove, for that county, any or all of the rules and regulations by a majority vote of its members. On the forty-sixth day after submission any rules and regulations not disapproved shall be deemed to have been approved by the county.

Notwithstanding the foregoing, the authority shall, prior to developing any land designated as conservation or agriculture, obtain the approval of the land use commission. The authority shall not develop, subdivide or construct dwelling units in areas set aside as state monuments or historic sites.

The authority shall also adopt and promulgate rules and regulations relating to determining preference among applicants for housing and determining qualification for and recompense or profit distribution to any partner or partners as hereinafter defined.

(c) Acquire, by eminent domain, exchange or negotiation, property required for the purposes of this chapter.

(d) Make and execute contracts or other instruments necessary or convenient to carry out the purpose of this chapter.

(e) Upon authorization by the legislature, cause the State to issue general obligation bonds to finance:

- (1) Land acquisition;
- (2) The development and improving of land;
- (3) The construction of dwelling units;
- (4) The purchase, lease or rental of land and dwelling units by qualified residents under this chapter;
- (5) Payment of any services contracted for under this chapter, including profit or recompense paid to partners;
- (6) The cost of repurchase of units under section 359G-9; and
- (7) Any other moneys required to accomplish the purposes of this chapter.

(f) Do all things necessary and convenient to carry out the purposes of this chapter.”

SECTION 7. Section 359G-9(a), Hawaii Revised Statutes, is amended to read:

“**Sec. 359G-9 Restrictions on transfer and use of dwelling units.** (a) For a period of ten years after a dwelling unit is purchased from the authority or an agreement of sale is executed, whether on fee simple or leasehold property the following restrictions shall apply to the use and transfer of the unit and the property:

- (1) Any dwelling unit sold by the authority shall be owner occupied. Violation of this provision is sufficient cause for the authority to repurchase the dwelling unit as provided for in paragraph (2);
- (2) Title to the dwelling unit and the property or the lease may not be transferred except to the authority, and then only at a price which shall not exceed the greater of the amount of the original cost to the purchaser or the fair market value of the premises less any amounts subsidized by the State, as determined by the authority, and less also interest thereon at the same rate as that paid by the purchaser on his mortgage or other security agreement, provided, however, that title to a dwelling unit and the property or lease may pass to a family member by devise or through the laws of descent, who would otherwise qualify under the rules and regulations established by the authority.
- (3) Any deed, lease, agreement of sale, mortgage, or other instrument of conveyance issued by the authority or by any fee owner in the case of a lease shall expressly contain the restriction on transfer and use of the dwelling unit as prescribed in this section."

SECTION 8. Section 359G-11(a), Hawaii Revised Statutes, is amended to read:

**"Sec. 359G-11 Private financing of projects.** (a) The authority to enter into contracts with any eligible bidder to provide for the construction of urgently needed housing for the purpose of providing suitable living accommodations for persons of low income, including elderly persons of low income, or students or faculty of low income of institutions of higher education on lands owned or leased by the State and situated on suitable sites. Any such contract shall provide that the housing or housing project shall be placed under the control of the authority, as soon as the unit is available for occupancy. Any such contract shall also provide that the capital stock of the mortgagor (where the mortgagor is a corporation) be transferred to the authority, when the housing has been completed. Any such contract shall contain such terms and conditions as the authority may determine to be necessary to protect the interests of the State. Any such contract shall provide for the furnishing by the contractor of a performance bond and a payment bond with a surety or sureties satisfactory to the authority, and the furnishing of such bonds shall be deemed a sufficient compliance with the provisions of law and no additional bonds shall be required under law. Before the authority shall enter into any contract as authorized by this section for the construction of housing, it shall invite the submission of competitive bids after advertising in the manner prescribed by law."

SECTION 9. Section 359G-20, Hawaii Revised Statutes, is amended to read:

**"Sec. 359-20 Downpayment fund.** A downpayment fund is hereby created. When requested by the authority, the director of finance shall issue from time to time general obligation bonds not exceeding \$20,000,000, the proceeds of which shall be deposited into the downpayment fund and which



shall be used for the purpose of making downpayment loans as provided herein.

All moneys received or collected by the authority to repay downpayment loans shall be deposited into the downpayment fund. The proceeds of the fund shall first be used to reimburse the general fund for the payment from the latter fund of the principal and interest on the bonds issued for the purposes of this program, then for the necessary expenses in administering this program, and finally for making downpayment loans.”

SECTION 10. Section 359G-29, Hawaii Revised Statutes, is amended to read:

“**Sec. 359G-29 Participation loan fund.** A participation loan fund is hereby created. When requested by the authority, the director of finance shall issue general obligation bonds not exceeding \$10,000,000, the proceeds of which shall be deposited into this fund for the purposes of this part.

All income received by the State on the investment of State funds under this program shall be dedicated to this fund. Such income and all moneys received or collected by the authority under this program shall be deposited into the fund. The proceeds in the fund shall first be used to reimburse the general fund of the State for the payment from the latter fund of the principal and interest of the bonds issued and thereafter for the purposes of this program.”

SECTION 11. Section 2 of Act 278, Session Laws of Hawaii 1967, is amended to read:

“**SECTION 2. Findings and purpose.** The purpose of this Act is to encourage the development of housing units to serve low income families by private developers, and to provide safe, sanitary, and decent housing at rental levels that low income families can afford as the rapidly expanding population increases the congestion and demand for adequate shelter in urban areas. Private developers can be assisted in meeting this critical state need by providing rent supplements to tenants who cannot otherwise afford privately developed rentals; by providing for low interest loans to certain private developers and individuals; by authorizing the state permanent housing program to make greater use of private development through sales of such dwellings, to tenants, and by authorizing the better use of residential public lands to certain developers at minimal leases to reduce tenant rentals.”

SECTION 12. Section 361-1, Hawaii Revised Statutes, is amended to read:

“**Sec. 361.1 Definitions.** As used herein ‘Director’ means the director of finance. ‘Community home mortgage’ means a mortgage loan made to a resident of the State for the purchase of his first parcel of residential property, or for the construction of his first dwelling to be occupied as his home, or for making repairs, alterations, or improvements in property owned by him and occupied as his home, or for refinancing his first home, or to a developer as defined herein.

‘Resident’ means any person who has an annual gross income which does not exceed the income limitations under the rules and regulations

promulgated by the Secretary of Housing and Urban Development pursuant to section 221(d) (3) of the National Housing Act by twenty percent and who has resided in Hawaii for more than one year.

'Mortgagee' means any financial institution which is a mortgagee of a community home mortgage and which has been certified by the director as being eligible to sell community home mortgages to the director and adequately equipped to service them.

'Service' of a community home mortgage, or 'servicing' a community home mortgage includes the collection of, and the attempting to collect all sums payable on the community home mortgage; the depositing of all such collections in accounts for the State; notification to the director that the mortgaged premises are damaged or vacant; periodic inspection of the mortgaged premises and notification to the director concerning the condition thereof; notification to the director of all community home mortgages that are delinquent for nonpayment of one or more monthly installments; and the using of due diligence to protect the mortgaged property and to prevent the attachment to the mortgaged property of any liens superior thereto.

'Developer' means a developer of housing under sections 202, 207, 213, 221(d) (3), 221(d) (5), or 231 of the National Housing Act or a public agency, limited dividend corporation, or a private nonprofit corporation as defined in section 221(d) (3) which conforms to the standards of those sections but which is not a mortgagor under those sections or any other private mortgagor under the National Housing Act for low or moderate-income family housing, regulated or supervised under federal or state laws or by political subdivisions of the State, or agencies thereof, as to rents, charges, capital structure, rate of return, and methods of operation, from the time of issuance of the building permit for the project."

SECTION 13. Section 361-3, Hawaii Revised Statutes, is amended to read:

**"Sec. 361-3 Community home mortgage requirements.** No community home mortgage shall be purchased:

- (1) If the effective date of the original mortgage was prior to July 1, 1967, or in the case of refinancing of an existing home, if the home was purchased prior to August 21, 1959.
- (2) If the dwelling unit is more than one single family residence in the case of a resident, except in the case of cooperative units wherein ninety percent of the members are eligible under this chapter.
- (3) If, in the case of a resident or developer, the unpaid principal balance of the loans exceed \$22,500 per unit.
- (4) If, in the case of a resident or developer, the unpaid principal balance of the loan exceeds ninety-five percent of the appraised market value of the property.
- (5) If the interest rate of the community home mortgage exceeds one-half of one percent a year over the charges on bonds issued for such mortgage; provided that this paragraph shall not preclude a resident from refinancing an existing mortgage if he qualifies for refinancing under paragraph (1).

- (6) If the community home mortgage is not secured by property in the State.
- (7) If the community home mortgage is not offered by the original mortgagee prior to any other sale thereof.
- (8) If the community home mortgage does not provide for periodic payments thereon to include the pro rata portion of taxes, insurance, ground rent, and assessment, if any.
- (9) If the resident has an annual gross income which exceeds the income limitations under the rules and regulations promulgated by the Secretary of Housing and Urban Development pursuant to section 221 (d)(3) of the National Housing Act by twenty percent.

Prior to the sale of a community home mortgage the mortgagee shall certify to the effect that no default or defaults exist and that the mortgagee knows of no existing condition affecting the mortgagor or his affairs which in the opinion of the mortgagee will cause the community home mortgage to become delinquent.

The director of finance may, by rule and regulation, establish such other minimum requirements which must be met by community home mortgages to qualify for purchase, as are conducive to carrying out this chapter and are not in conflict therewith.”

SECTION 14. Section 361-11, Hawaii Revised Statutes, is amended to read:

**“Sec. 361-11 Community home mortgage bonds fund.** All repayments of principal on mortgages made under this chapter and all realizations on foreclosure of such mortgages, as secured, shall be paid into a special fund in the state treasury, to be called the community home mortgage bonds fund and used to reimburse the general fund for the payment from the latter fund of the principal on bonds issued under this chapter.”

SECTION 15. Section 361-12, Hawaii Revised Statutes, is amended to read:

**“Sec. 361-12 Community home mortgage bonds special fund.** All interest received on mortgages made under this chapter and all fees and charges received under this chapter shall be paid into a special fund in the state treasury, to be called the community home mortgage bonds special fund, and shall be used first to reimburse the general fund for the payment from the latter fund of the interest on bonds issued under this chapter, and then to pay the expenses of the director of finance in administering this chapter.”

SECTION 16. Section 361-13, Hawaii Revised Statutes, is amended to read:

**“Sec. 361-13 Bonds.** The director, may with the approval of the governor, issue from time to time general obligation bonds of the State to an amount not exceeding \$5,000,000 as provided by part I of chapter 39. The proceeds of sale of such bonds shall be used solely for the making of community home mortgages as provided in this chapter.

SECTION 17. Section 361-15, Hawaii Revised Statutes, is amended to read:

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**“Sec. 361-15 Exceeding income limitations by residents.** Residents’ income shall be verified every biennium and shall not exceed the limitation imposed under section 361-3(9) except that if a resident exceeds such limitation subsequent to participating in the program the director of finance shall renegotiate the mortgage and place additional charges upon the mortgage up to but not to exceed the going market rate for similar mortgages in an amount of one-half of one percent; provided that no renegotiated mortgage shall result in payments by the resident in excess of twenty percent of his income.”

SECTION 18. Section 361-18, Hawaii Revised Statutes, is amended to read:

**“Sec. 361-18 Appropriations.** All moneys in the community home mortgage bonds fund created by section 361-11 are appropriated for the reimbursement of the general fund for the payment from the latter fund of principal on bonds issued under this chapter and all moneys in the community home mortgage bonds special fund created by section 361-12 are appropriated for the reimbursement of the general fund for the payment from the latter fund of interest on bonds issued under this chapter and the payment of service charges to mortgagees, as the same become due and payable. There is appropriated from the community home mortgage bonds special fund such amounts of money as may be necessary to pay the salaries of employees of the department of budget and finance charged with the administration of this chapter and the cost of supplies and equipment therefor, and for other expenses in connection therewith.

If there are moneys in general, special, or revolving funds in the State which, in the director of finance’s judgment, are in excess of the amounts necessary for the immediate state requirements, and if in his judgment the necessary financial operations of the State will not be impeded or hampered thereby, the director may make temporary loans therefrom for the purposes of this chapter. The loans shall in general comply with sections 36-23 and 36-24.”

SECTION 20. **Severability.** If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 21. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 22. This Act shall take effect upon its approval.

(Approved June 8, 1971.)

ACT 193

S. B. NO. 149

A Bill for an Act Relating to Hours of Work in Public Employment.

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\* Edited accordingly.

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

SECTION 1. Section 80-1, Hawaii Revised Statutes, is amended to read:

**“Section 80-1 Office hours.** All offices of the State, except public welfare offices of the department of social services and housing, and counties and independent boards and commissions thereof shall open continuously for the transaction of public business between the hours of 7:45 a.m. and 4:30 p.m., Monday to Friday, inclusive. By executive order, the governor may modify the business hours of public welfare offices. Offices shall be closed on Saturday, except those which public convenience require shall remain open from 8 a.m. to noon on Saturday. Offices open on Saturday may be staffed with a skeleton force. A lunch period of forty-five minutes will be allowed all governmental personnel, which shall not constitute working time under this section.”

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes may exclude the underscoring.\*

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

(Approved June 8, 1971.)

**ACT 194**

S. B. NO. 1083

A Bill for an Act Making an Appropriation for the Study of the Election System of the State.

*Be It Enacted by the Legislature of the State of Hawaii.*

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$15,000, or so much thereof as may be necessary, for a study on the entire system of elections in Hawaii, including but not limited to form and content of the ballots, uniformity of election procedures and materials in the several counties, applicability to Hawaiian elections of some of the newer equipment for receiving and tabulating votes cast, utilization of computer technology for maintenance of voter lists, with additional stored data, and election record keeping.

SECTION 2. The sum appropriated shall be expended by the office of the lieutenant governor for the purposes of this Act.

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

(Approved June 8, 1971.)

**ACT 195**

H. B. NO. 750

A Bill for an Act Relating to Positions of Employees of the Foreign Trade Zone in the Department of Planning and Economic Development.

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

\* Edited accordingly.

SECTION 1. Chapter 212, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**Sec. 212- Personnel.** Permanent employees currently not in civil service and who are employed by the State to operate and maintain the foreign trade zone in the department of planning and economic development shall be converted to permanent civil service status within the meaning of chapters 76 and 77 without the necessity of examination and shall be accorded all the rights, benefits, and privileges attributable thereto. Such rights and privileges shall include seniority, prior service credit, vacation and sick leave credits, and other benefits and privileges accorded employees with civil service status. Employees so converted shall not suffer a reduction in their pay rate.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved June 10, 1971.)

ACT 196

S. B. NO. 1091

A Bill for an Act Relating to Pigeons.

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

SECTION 1. Chapter 322, Hawaii Revised Statutes, is amended by adding new sections constituting a new part to be appropriately designated and to read as follows:

“PART . PIGEONS

**Sec. 322- Definitions.** As used in this part, the term:

- (1) ‘Carrier pigeon’ means homing and racing pigeons which are banded upon the leg with an identification leg band.
- (2) ‘Racing pigeon’ means any pigeon whose leg band identification is registered with any county or state or national or international pigeon racing organization.
- (3) ‘Show pigeon’ means any pigeon intended for show purposes which bears an identification leg band.
- (4) ‘Pigeon’ includes all carrier and show birds but does not pertain to birds raised for food or for similar commercial purposes.
- (5) ‘Identification leg band’ means the band placed around the pigeon’s leg identifying the other by name or initials or containing numbers or letters or a combination thereof.
- (6) ‘Department’ means the department of health.
- (7) ‘Loft’ means any structure in which pigeons are housed.

**Sec. 322- Pigeon permits.** The department shall issue a pigeon ownership permit to any owner who complies with the following requirements:

\* Edited accordingly.

- (1) Has the pigeons banded with identification leg bands.
- (2) The loft is in compliance with regulations prescribed by the department and is maintained in a clean and orderly condition and kept in good repair.
- (3) The construction of the loft complies with the building code regulations and requirements of the county in which it is erected.
- (4) Any requirements of county zoning regulations relating to restrictions on the location of aviaries and poultry enclosures shall not apply to a loft for which a permit has been issued by the department.

**Sec. 322- Scope of permit.** Any person to whom the department has issued a pigeon permit may erect and maintain one or more lofts of carriers and show pigeons in the State as provided in the preceding section.

**Sec. 322- Exercise, training, and racing.** Any owner of carrier pigeons, to whom the department has issued a pigeon permit, or person acting for him, having in his control or possession and under restraint not more than twenty-five pairs of carrier pigeons in an area zoned for residential or for hotel and apartment uses shall be allowed to fly the pigeons for necessary exercise, training, and racing. Any such owner or person maintaining the carrier pigeons in areas zoned for other land uses shall fly not more than two hundred birds for necessary exercise, training and racing. Show pigeons which never are allowed to fly free are not within the foregoing control on carrier pigeons.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved June 15, 1971.)

ACT 197

H. B. NO. 4

A Bill for an Act Relating to General 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 Bonds.

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

SECTION 1. This act shall be known and may be cited as the General Improvements Act of 1971.

SECTION 2. 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, to be expended by the Department of Accounting and General Services, unless otherwise specified in the subsection, out of moneys in the treasury received from general revenues, special funds, general obligation bond funds, airport revenue bond funds, harbor revenue

\* Edited accordingly.

## ACT 197

bond funds, Hawaii Housing Authority bond funds, and federal grants. 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 the general obligation bonds so issued shall not exceed \$95,600,000. The letter symbols used after the specific project appropriations, if any, indicate the source of financing and shall have the following meaning: (a) general obligation bond fund with debt service costs to be paid from special funds, (f) federal funds, (c) county funds, and (p) private funds.

### I. CITY AND COUNTY OF HONOLULU

#### B. DEPARTMENT OF LAND AND NATURAL RESOURCES

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

1. Kahana Valley Park—The Board of Land and Natural Resources may use its present state summer student help, and such temporary personnel who shall be exempted from the provisions of chapters 76 and 77, Hawaii Revised Statutes, and who are residents in Kahana Valley for the retention of heritage cultural enrichment of Kahana Valley State Park. The Board may enter into contract for the necessary equipment, supplies, materials, labor, professional service and technical assistance to be used in this project. 100,000
2. Kahaluu District Park, Kahaluu, Oahu—Acquisition of land, plans and construction of recreational center. 400,000
3. Manoa-Moiliili-McCully Flood Control—Comprehensive study for establishing a Manoa-Moiliili-McCully flood control-recreation area incorporating the Ala Wai Canal and Manoa Stream on Oahu. 38,000

#### C. DEPARTMENT OF TRANSPORTATION

(To be expended by the Department of Transportation)

1. Pali Highway Street Lights, Kailua—Planning and construction of street lights from the Pali tunnels to and including Castle Junction. 125,000
- 2a. Extension of deceleration lane, Likelike Highway into Kahekili Highway. 25,000
- 2b. Installation of chain link fence, Likelike Highway above Kaneohe Stream culvert. 15,000
3. Likelike-Kahekili Highway Interchange, Kaneohe—Land acquisition, plans and construction for an interchange to replace the existing at-grade intersection including the construction of access road to Keaahala Road. [To be supplemented by prior appropriations] 1,000
4. Kamehameha Highway, Kaneohe—Supplemental appropriation for resurfacing and improvements of mauka lanes of Kam Highway between Likelike Highway and Pali Highway as described in item C-45 of Act 155, SLH 1969. 750,000
5. Likelike Highway, Kaneohe—Lighting Likelike Highway on the Windward side of the Wilson Tunnel to the intersection with Kam Highway, Oahu. 110,000
6. Kalaniana'ole-Kailua Road Interchange, Kailua—Plans for a vehicle overpass at Kalaniana'ole Highway and Kailua Road. 40,000
7. Kalaniana'ole Highway—Aina Haina to Lunalilo Home Road or any portion thereof—land acquisition for transportation corridor, construction for widening of highway, planning for eventual highway and transportation facilities including bikeways. 1,500,000
8. Fort Weaver Road, Incremental Realignment—Incremental realignment and improvement of existing two-lane highway to a hightype four to six-lane divided expressway for approximately 6 miles, or temporary improvement to the existing two-lane highway. 100,000
9. Waikiki Beach Erosion Control—Restoration of 10,800 feet of Waikiki Beach, commencing from Duke Kahanamoku Beach to Elks Club. Res- 286,000



toration and improvements consist of construction of groins and placement of sand. [To be supplemented by federal funds]	
10. Pedestrian Overpass at School Street—Plans and construction of pedestrian overpass at School Street in the vicinity of Stillman Lane next to H-1 overpass between Nuuanu Avenue and Liliha Street.	150,000
11. Vineyard Boulevard Overpass—Plans and construction of overpass between Liliha Street and Aala Street, right-of-way.	30,000
12. Farrington Highway—Plans, construction and acquisition of right-of-way for ingress-egress at Farrington Highway entrance to Leeward College.	500,000
13. Pearl City High School, Access Road—Planning and construction of a second access road for Pearl City High School.	35,000
14. Heeia—Plans and construction, boat launching ramp.	20,000
15. Plans for the construction of a pedestrian overpass over Kaneohe Bay Drive, in the vicinity of Mokeulele Street.	18,000

**D. UNIVERSITY OF HAWAII**

1. Honolulu Stadium Site—Planning grant to the University of Hawaii for developing guidelines for uses of Honolulu Stadium site after 1973 with community participation.	20,000
2. Senior Opportunity Center—Planning and construction of additional improvements.	100,000
3. Leeward Community College—Plans and construction for mini-bus terminal and necessary equipments.	30,000
4. Windward Community College, Kahaluu, Oahu—Acquisition of land, plans and construction of a satellite vocational educational building in the Kahaluu-Waihee area.	400,000
5. Honolulu Community College, Oahu—Plans and construction of a multi-purpose building to consist of general classroom, special classroom, laboratories and faculty offices.	150,000

**E. DEPARTMENT OF EDUCATION**

1. Aiea Elementary School—Construction of parking lot; plans for 6 classroom building; acquisition and improvement of land for school playground purposes.	100,000
2. Aiea High School—Plans for an auditorium theatre complex; plans and construction of an auto mechanic shop.	100,000
3. Aiea Intermediate School—Extension of existing parking lot.	25,000
4. Aikahi Elementary School—Construction of a second driveway and enlargement of the parking lot.	8,000
5. Aina Haina Elementary School—Air-conditioning and carpeting for library.	44,000
6. Aliamanu Elementary School—Plans and construction for overpass over Salt Lake Boulevard.	80,000
7. Aliamanu Elementary School—Plans and construction of permanent outdoor stage, extension of existing driveway and construction of additional parking facilities.	70,000
8. Aliamanu Intermediate School—Renovation of existing classrooms into science classroom laboratory.	43,000
9. Alva Scott Elementary School—Improve entrance into school.	11,000
10. Anuenue Elementary School—Reclamation of land bordering Palolo Stream, construction of a stone wall or wire fence along the boundaries of Anuenue School bordering the stream, plans and construction for a covered playground on the reclaimed area.	300,000
11. Anuenue Elementary School—Conversion of a regular classroom to a science classroom.	25,000
12. Anuenue, Palolo, Aliiolani, Hokulani Elementary Schools and Jarrett Intermediate School—Funds for the establishment of Security Alarm Systems.	75,000
13. Anuenue Elementary School—Air-conditioning and carpeting of new library building.	40,000

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14. Anuenue Elementary School—Renovation, expansion and improvement of administration office.	50,000
15. Blanche Pope Elementary School, Waimanalo, Oahu—Plans for a cafeteria and multi-purpose building.	25,000
16. Campbell High School, Bus—Acquisition of a bus for Campbell High School, Oahu.	40,000
17. Campbell High School—Ilima Intermediate School—Plans for gymnasium, including landscaping.	50,000
18. Castle High School, Kaneohe—Plans and construction of athletic field facilities. Unexpended funds from appropriations made under item F-118 of Act 187, Session Laws of Hawaii 1970, and item F-15 of Act 155, Session Laws of Hawaii 1969, may be expended for said improvements.	110,000
19. Castle High School, Kaneohe, Oahu—Supplementary funds for the renovation of existing library to a media center.	80,000
20. Central Intermediate School—Supplementary funds to construct classrooms, including purchase of furniture and equipments, landscaping and demolition of existing building.	375,000
21. Central Intermediate School, Oahu—Installation of louvers in Makai Building and Building “C”, \$18,000. Renovation of Building “E” for conversion to multi-purpose room, \$10,000. Enclose cafeteria dining area with jalousies, \$5,000. Extend chain link fence to enclose parking lot along Kukui Street, \$1,000.	34,000
22. Ewa Beach III Elementary School—Land acquisition and plans for classrooms and serving kitchen.	30,000
23. Farrington High School—Supplemental appropriation for plans and construction of an air-conditioned and sound-proof multi-purpose building with 6 classrooms, work center, 4 offices, concession and social center, TV instruction room and equipment; renovation of classroom to conduct band classes; improvements of gym acoustics, lighting on campus, and ventilation system in industrial arts laboratory room and prevention of rain leakage for rooms in Main building, gym and ROTC buildings. Unexpended balances from Items F-80, Act 155, SLH 1969 and F-41, Act 187, SLH 1970 shall be used for this project.	595,000
24. Farrington High School—Plans and construction of 3 portable classrooms for “quick kokua” program.	60,000
25. Fern Elementary School, Oahu—Plans and construction of new library to replace library housed in old wooden building. Conversion of building “B” to a special classroom, workroom, and storage area; installation of fence; incremental construction of an 8 classroom building, an administration building with parking area; and completion of a classroom building.	778,000
26. Gus Webling Elementary School—Construction of paved playground; installation of central water sprinkler.	50,000
27. Gus Webling Elementary School—Plans for construction of special classroom—art, science, music.	25,000
28. Haleiwa Elementary School—Plans, construction, landscaping, and chain link fence for a playcourt.	37,000
29. Haleiwa Elementary School—Construction of a basketball court with height of basket at 8 feet.	8,000
30. Hawaii Kai Library—Construction, equipment and furnishing. [To supplement prior appropriations]	767,000
31. Heeia Elementary School—Improvements to facilities and grounds.	150,000
32. Helemano Elementary School—Plans for classrooms.	25,000
33. Highlands Intermediate School and Pearl City Recreation Center—Plans for a gymnasium between Highlands Intermediate School and Pearl City Recreation Center with matching funds from the City and County of Honolulu.	25,000
34. Iliahi Elementary School—Supplemental appropriation for the constructing of an administration office and a covered walkway between	150,000

library, classroom and cafeteria.	
35. Jarrett Intermediate School—Supplemental prior appropriation for the science and art classroom building.	118,000
36. Jarrett Intermediate School—Plans and construction for the renovation and enlargement of library, soundproofing band and music rooms.	280,000
37. Jefferson Elementary School—Planning of 16 classroom building replacement.	43,000
38. Jefferson Elementary School—Supplementary appropriation for construction of kitchen multi-purpose dining room and equipments.	222,000
39. Kaaawa Elementary School, Kaaawa—Master plan for relocation of school.	25,000
40. Kaahumanu School—Supplementary appropriation for plans and construction of administration/library building and parking facilities, including furniture, equipments, landscaping, demolition of existing building, and improvements to play area.	392,000
41. Kahala Elementary School—Supplementary construction funds for library and conversion of the present library into art and music classrooms. Improve existing parking area and provide additional parking.	266,000
42. Kahuku High School Complex, Kahuku—Purchase of passenger buses.	28,000
43. Kailua Elementary School—Paving of parking area.	10,000
44. Kailua Elementary School, Kailua—Construction of classrooms with teachers' workroom and storage room, including purchase of furniture and equipment and landscaping.	884,000
45. Kailua High School, Kailua, Oahu—Re-wire electrical system.	35,000
46. Kailua High School, Kailua—Planning, land acquisition and construction for a second entrance to Kailua High School.	50,000
47. Kaimuki High School—Supplement to prior appropriation for construction of auditorium, air-conditioning and equipment.	900,000
48. Kaimuki High School—Planning and construction of instruction media center, administration building and equipment.	605,000
49. Kaimuki Intermediate School—Construction of 10 classroom buildings, including purchase of furniture and equipment, landscaping and demolition of buildings.	584,000
50. Kaimuki Intermediate School—Plans and construction of a fine arts facility suitable for music, drama, theatre, etc.	272,000
51. Kaiulani Elementary School—Plans for air-conditioning of school buildings.	25,000
52. Kalakaua Intermediate School—Renovation of existing library housed in 3 classrooms by removing "non-bearing" wall, installing connecting double door in other wall.	12,000
53. Kalani High School—Supplemental fund for Act 187, SLH 1970 Item F-124; plans and construction of a 25-meter swimming pool.	252,000
54. Kalihi Elementary School—Supplemental funds to Act 40, SLH 1968 to complete play area; placement of moveable partitions in multi-purpose room; black topping of lawn area adjacent to lanai area of buildings "A" and "B"; grading and fencing of primary play area; connection of building "B" to cafetorium and other service areas with covered walkway.	109,000
55. Kalihi-Kai Elementary School, Oahu—Sound proofing of 12 classrooms in Buildings "H" and "I" to shut out traffic noises and supplemental construction funds for improvements.	300,000
56. Kalihi-Uka Elementary School—Replacement of library transoms with louvers; enclosure of stairways adjacent to Room 108 and office; black topping of area adjacent to portable 2 for parking.	22,000
57. Kalihi-Waena School—Paved parking area on school grounds; general improvements to kindergarten playground area; extension of existing eaves about the lanai area of buildings "A" and "B"; installation of a 6 foot chain link fence along Gulick Avenue frontage of school, and a two-way communication system from school office to classrooms.	98,000

58. Kapalama Elementary School, Oahu—Complete existing chain link fence along Bernice Street (650' × 6'). Improve play court and school grounds for children's play area and installation of an intercommunication system between the administration building and the library.	42,000
59. Kapunahala Elementary School—Plans and construction and equipments, 5,000 square foot multi-purpose dining room.	200,000
60. Kauluwela Elementary School, Oahu—Supplementary funds for the planning and construction of 8 classroom building and the improvement of grounds and parking facilities. Funds to include demolition of existing structures and air conditioning.	275,000
61. Kawanakoa Intermediate School, Oahu—Plans and construction of additional storage areas for Shop I and II. Plans and site selection for construction of new gymnasium.	150,000
62. Kipapa Elementary School—Plans for library building.	29,000
63. Kuhio Elementary School—Plans and construction of 16 classrooms, including purchase of furniture and equipment, parking and site work at Kuhio School.	885,000
64. Kuhio Elementary School—Construction of an administration building at Kuhio School.	90,000
65. Lanakila Elementary School, Oahu—Installation of "security screen" for building lanais "A" and "B" and relocation of existing walls; plans and construction for a new library and 10 rooms to replace 9 wooden classrooms currently used for special classes, including demolition of wooden classrooms, landscaping, and additional parking; master plan and construction of pedestrian walkways from street and internal traffic and correction of drainage locations.	589,000
66a. Leilehua High School—Plans, construction, and equipment for playcourt, playground, and automotive shop.	228,000
66b. Leilehua High School—Plans, construction, and equipment for an announcers booth at the football field.	50,000
67. Liholiho Elementary School—Planning and construction of parking and loading area, and improvements to play area.	80,000
68. Likelike Elementary School, Oahu—Plans and construction of a multi-purpose building to provide adequate facilities for art, music, and science programs.	250,000
69. Liliuokalani Elementary School—Sound proofing of Building "B" and surfacing for parking.	50,000
70. Linekona School—Plans, construction and equipments for crises rooms.	8,000
71. Maemae Elementary School, Oahu—Replacement of double hung windows with wooden louvers and the installation of forced ventilation for the cafetorium.	100,000
72. Makakilo Elementary School—Plans for additional classrooms, including purchase of furniture and equipment and landscaping.	30,000
73. Makakilo II Elementary School—Land acquisition and plans for classrooms and serving kitchen.	30,000
74. Manoa Elementary School—Supplementary appropriation for the construction of a covered walkway from school to bus shelter located on Manoa Road.	5,000
75. Manoa Elementary School—Supplementary appropriation for renovation and expansion of existing facilities.	75,000
76. Manoa Elementary School—Supplementary appropriation for renovation of existing classrooms.	100,000
77. Manoa Elementary School—Supplementary appropriation for the construction of a covered walkway from school to the Manoa Recreational Center Gymnasium.	20,000
78. Manoa Intermediate School—Supplementary appropriation for planning of new intermediate school in Manoa Valley.	100,000
79. Maunawili Elementary School—Plans and construction of a 5,000	200,000

square foot multi-purpose dining room.	
80. McKinley High School—Master planning, construction and renovation to existing facilities. [To be supplemented by item F-29 of Act 40, SLH 1968]	200,000
81. McKinley High School—Plans and renovation of the swimming pool and swimming pool equipments including water heater.	75,000
82. McKinley High School—Plans and installation of air-conditioning of the multi-purpose building.	75,000
83. McKinley High School—Plans for a Student Center Building.	75,000
84. Moanalua Elementary School—Plans and construction of permanent 6 classroom building.	150,000
85. Nanakuli II Elementary School—Land acquisition and plans for classrooms and serving kitchen.	50,000
86. Nanakuli High School—Plans and construction of a central kitchen and kitchen equipment, and fencing for athletic field.	360,000
87. Noelani School—Supplementary appropriation for construction and furnishing of administration building.	40,000
88. Nuuanu Elementary School—Covered primary grade play area; renovation of existing classrooms into multi-purpose room for art, music and science instruction ("F" Building); covered play area or gym for elementary grades; air-conditioning for library; extend existing sidewalk from rear of library to Building "F".	158,000
89. Palolo Elementary School—Demolition of classroom buildings and improvement of grounds for physical education and health facilities. (Covered playground)	100,000
90. Pauoa Elementary School, Oahu—Plans and construction of athletic facilities to include basketball and volleyball courts.	10,000
91. Pauoa Elementary School—Construction of an administration building and expansion of existing library.	150,000
92. Puuhale Elementary School, Oahu—Plans and construction of classrooms, library, teachers' workroom and furnitures. Funds for portable swimming pool, plans and construction for Little League ball field, cafetorium and paved playcourt.	800,000
93. Radford High School—Plans and construction of swimming pool.	25,000
94. Radford High School—Addition to gymnasium, including purchase of furniture and equipment and landscaping.	153,000
95. Red Hill Elementary School, Oahu—Plans and construction of a multi-purpose dining room.	213,000
96. Roosevelt High School—Construction of loading and unloading area on Mott-Smith Drive.	4,000
97. Roosevelt High School—Installation of public address system in library and foreign languages building.	3,000
98. Roosevelt High School—Enclosing of senior patio.	10,000
99. Roosevelt High School—Remodeling of cafeteria; covering student dining room floor.	183,000
100. Roosevelt High School—Supplementary appropriation for construction of a pedestrian overpass over Auwaiolimu Street linking Stevenson Intermediate and Roosevelt Schools.	80,000
101. Roosevelt High School—Supplementary appropriation for construction of roof over stadium bleachers.	50,000
102. Roosevelt High School—Construction of restroom facilities for auditorium.	20,000
103. Roosevelt High School—Extension of student parking area on Mott-Smith Drive.	10,000
104. Shafter Elementary School—Construction of playcourt and covered walkway from cafeteria to bus loading depot, from Building A to Building B, from classroom to cafeteria.	49,000
105. Stevenson Intermediate School—Installation of 4 security gates for second floor of main building.	10,000

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106. Stevenson Intermediate School—Renovation of 6 existing science rooms; planning of student union center; widening entrance to school to expedite outgoing vehicle traffic.	65,000
107. Stevenson Intermediate School—Planning and construction of new facilities and improvements to existing facilities as follows: lighting for the athletic field as required for activities; facilities for storage, office, and restrooms, etc. as needed to coordinate after school activities; improvements to existing facilities: covered extensions of present classroom areas, multi-use courts, baseball diamonds, etc.; construction of tennis and handball courts.	350,000
108. Stevenson Intermediate School—Planning and construction of an instructional materials center to be located between Stevenson Intermediate and Lincoln Elementary Schools. Facilities to be shared by Stevenson Intermediate, Lincoln Elementary, and Roosevelt High Schools.	50,000
109. Stevenson Intermediate School—Planning and construction of covered walkways from shop, music and physical education buildings to main building.	20,000
110. Wahiawa Elementary School—Construction of a basketball court with height of basket at 8 feet.	8,000
111. Wahiawa Intermediate School—Plans, construction, furnishings, equipment, and landscaping for library expansion.	305,000
112. Wahiawa Intermediate School—Planning and construction of an overhead covering for the present paved area used by physical education classes.	100,000
113. Waialae Elementary School—Planning and construction of 3 special classrooms.	180,000
114. Waialua Elementary School—Planning and construction of an exit and expansion of present parking area.	25,000
115. Waialua High and Intermediate School—Plans, construction and equipment for a sound-proof automotive-shop classroom.	50,000
116. Waialua High School, Bus—Acquisition of a bus for Waialua High School, Oahu.	40,000
117. Waialua High and Intermediate School—Sound-proofing of existing music building.	41,000
118. Waianae High School—Supplemental funds for Locker Rooms project.	150,000
119. Waianae Cultural Student Exchange—A Grant-in-Aid to the Waianae Cultural Exchange for the planning and execution of an educational excursion for elementary school students from the Waianae Area.	8,000
120. Waikiki Elementary School—Planning and construction of 3 special classrooms.	180,000
121. Wailupe Valley Elementary School—Plans and construction for access to playground and wind barrier along covered walkway.	17,000
122. Waimanalo Community & School Library, Waimanalo—Construction and equipment of a new community-school library.	396,000
123. Waimano—Pearl City (Momilani) Elementary School—Plans for multi-purpose dining room and classrooms.	65,000
124. Waianae High School, Bus—Acquisition of a bus for Waianae High School, Oahu.	40,000
125. Waianae High School—Plans for Athletic Locker Room at Waianae High School—plans for the construction of an athletic locker room at Waianae High School, Oahu.	30,000
126. Waipahu High School, Bus—Acquisition of a bus for Waipahu High School, Oahu.	40,000
127. Waipahu High School—Plans and construction of a bus shelter and necessary equipments.	10,000
128. Waipahu High School—Plan and construction 5,000 seat concrete	715,000

- bleachers (football), service road to athletic facilities, 4' chain link fence 2,000 ft., public access road to athletic field.
- crete bleachers (football), service road to athletic facilities, 4' chain link fence 2,000 ft., public access road to athletic field.
- 129. Waipio II Elementary School—Master plan of new school. 30,000
- 130. Washington Intermediate School—Plans and construction for paving and partial roofing of central courtyard and relocation of outdoor stage. [To supplement prior appropriation made by Act 187, SLH 1970] 100,000
- 131. Wheeler Intermediate School—Plans, construction and landscaping of playcourt area. 78,000
- 132. Library and Multi-purpose Community and Recreation Center at Whitmore—Land acquisition, plans and construction of a library and multi-purpose community and recreation center at Whitmore Oahu. [To supplement Appropriations made by item F-180 Act 155, SLH 1969 and item F-131 Act 187, SLH 1970] 200,000

**G. DEPARTMENT OF HEALTH**

**Public Health and Others**

- 1. Comprehensive Health Center—Plans and construction of a Comprehensive Health Center in Kalihi-Palama. 100,000
- 2. Neighborhood Youth Center—Plans for construction of a Neighborhood Youth Center in Kalihi-Palama. 25,000
- 3. Hawaii State Hospital, Kaneohe—Construction and equipment for an environmental house. 5,000

**Hospital Grants-in-Aid (To be expended by the Department of Health)**

- 4. Wahiawa General Hospital, Oahu—Construction aid to expand present Hospital facility. 500,000
- 5. Kapiolani Maternity and Gynecological Hospital, Oahu—Construction of a new maternity facility. 500,000
- 6. Grant-In-Aid for Kuakini Hospital, Oahu—Plans and construction for Phase 2 of Makai Wing at Kuakini Hospital. 400,000
- 7. Queen's Medical Center, Oahu—Supplemental appropriation for the construction of a Community Mental Health Center. 500,000
- 8. Grant-In-Aid for St. Francis Hospital, Oahu—Plans and construction of an extended-care facility and the expansion of the medical and surgical sections of "C" Wing at St. Francis Hospital. 450,000
- 9. Grant-In-Aid for Hawaii Association to Help Retarded Children—For demolition, plans, and construction of replacement buildings at Fort Ruger Vocational Development Center. 150,000

**H. DEPARTMENT OF SOCIAL SERVICES AND HOUSING**

- 1. Community Hall, Palolo Housing—Plans and construction of a Community Hall at Palolo Housing by adding a second story to the existing building [To be expended by the Hawaii Housing Authority] 150,000

**I. DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES**

- 1. Grant-In-Aid for Camp Erdman—Planning and construction of cabin facilities at Camp Erdman. 100,000
- 2. Hauula Children and Youth Services Center 40,000
- 3. Hawaii State Senior Citizens Center, Oahu—Site work and landscaping of area surrounding the Center, \$25,000. Construction of cover for the existing cemented area to provide additional activity space (4,000 square feet), \$50,000. Construction of craft shop (500 square feet), \$18,000. 93,000
- 4. Pearl City State Office Building and Parking—Plans for a new State Office Building and Health Center Building, including parking. 36,000
- 5. District Court of Wahiawa—Plans for a 2,600 square feet court 17,000

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facility for the Wahiawa district to be located in the Wahiawa Civic Center.

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|---|---------|
| 6. Waianae Civic Center—Plans for a new State Office Building for the Department of Labor and Industrial Relations and Department of Social Services.         | 56,000  |
| 7. Waipahu Botanical Garden—Purchase of land and planning of a park in the Waipahu Flood Basin Area with matching funds from the City and County of Honolulu. | 375,000 |

### J. GOVERNOR

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| 1. Academy of Ethnic Studies—Plans to construct a facility for an "Academy of Ethnic Studies" in Kalihi-Palama. | 25,000 |
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### K. AID TO COUNTIES

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

#### Flood Control

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|---|---------------------------|
| 1. Aiea Stream Flood Control—Construction of a reinforced concrete channel from Pearl Harbor to Moanalua Road. FY 1971-72 1,000,000.  | 1,000,000                 |
| 2. Kahaluu Flood Control Project—Land acquisition, design and construction of North Waihee channel improvement and a water-oriented park.   | 1,000,000                 |
| 3. Kaluaao Stream Flood Control—Construction of reinforced concrete channel. [To be matched by the City and County of Honolulu]   | 25,000                    |
| 4. Makiki Stream Flood Control,<br>Unit 1<br>Plans, engineering, land acquisition and construction of channel improvements of Makiki Stream.<br>FY 1971-72 3,000,000<br>2,000,000(c)  | 3,000,000<br>2,000,000(c) |
| 5. Palolo Stream—Supplement prior appropriations for plans and construction of a retaining wall to prevent erosion along Palolo Stream from Keanu Street to St. Louis Drive, connecting the existing lined channel on both ends, with the City and County of Honolulu participating in project financing. | 210,000                   |
| 6. Flood Control System on Kaukonahua Stream—Plans for construction of a flood control system on Kaukonahua Stream at Wai-<br>alua, Oahu, with matching funds from the City and County of Honolulu.   | 20,000                    |
| 7. Kaneohe Regional Park Complex and Recreational Center, Kaneohe—Multi-purpose buildings, swimming pool and related facilities necessary for the recreational needs of the community.  | 175,000                   |

#### Parks and Recreation

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| 8. 12th District Parks and Recreation—General improvements to parks and playgrounds.   | 50,000  |
| 9. 11th District Parks and Recreation—General improvements to parks and playgrounds.   | 100,000 |
| 10. Booth Playground—Planning and construction of a gym and youth center. Balances from items N-5 (175,000) and N-6 (50,000) of Act 187, SLH 1970, shall be utilized for this project for a total of 350,000. [To be matched by the City and County of Honolulu] | 125,000 |
| 11. Fern Playground—Renovation and expansion of existing building; installation of sprinkler system and relocation of play apparatus.  | 50,000  |
| 12. Halawa District Park—Plans and construction of gymnasium. [To be matched by the City and County of Honolulu]   | 50,000  |
| 13. Haleiwa Golf Course—Planning, engineering and construction of a golf course at Haleiwa, Oahu.  | 25,000  |
| 14. Kahala Heights Park—Land acquisition [To be matched by the City and County of Honolulu]  | 300,000 |



15. Kalihi-Uka Park—Development of water system, landscaping and picnic facilities.	10,000
16. Kalihi Valley Field Complex—Conversion of existing community park to district park with joint use of facilities with PAL; construction of PAL Clubhouse and gym and swimming pool complex under Parks and Recreation Department control. [To be matched by the City and County of Honolulu]	300,000
17. Kalaepohaku Playground—St. Louis Heights—Construction of new comfort station, site and drainage improvements, and landscaping. Supplements prior appropriation of 25,000.	28,000
18. Kanewai Field—St. Louis Heights Second Increment—Additional bleachers, site improvements, landscaping, additional parking area, installation of sprinkler system and lighting for walkway and parking area.	45,000
19. Kawainui Regional Park, Kailua, Oahu.	50,000
20. Kualoa Beach Park—Acquisition of approximately 175 acres of land for the second increment of the park which shall include Mokoli'i Fish Pond, provided that following its acquisition by the City and County, the title, control and jurisdiction over said fish pond shall be conveyed and transferred by the City and County to the State of Hawaii.	1,500,000
FY 1971-72 1,500,000	500,000(c)
21. Kuhio Park Terrace—Renovation of recreation building to provide additional enclosed area for multi-purpose room, part of which is to be used for Kuhio Park Teen Center to be administered by Parks Department, children's restrooms and laundromat facilities.	117,000
22. Lanakila Park—Expansion of existing pavilion building and replacement of field lighting system.	90,000
23. Makaha Oceanfront Park—Incremental acquisition of land, tax map key 8-5-17-8,9,10,11,12,13,14,15,16, and 19 for an oceanfront park.	125,000
24. Makakilo Recreation Center—Funds for a portable swimming pool.	30,000
25. New Makiki District Recreation Park—Acquisition of private lands for the incremental development of a seven and one-half acre recreation park in Makiki on lands bounded by Keeaumoku Street, Wilder Avenue, Makiki Street, and Lunalilo Freeway. The City and County shall acquire through negotiation, condemnation, or exchange all of the lands necessary for such park; provided that the HSPA shall be permitted to retain, acquire by purchase or exchange not more than one and one-half acres of land adjacent to Lunalilo Freeway for research and administrative facilities.	1,500,000
FY 1971-72 1,000,000	200,000(c)
FY 1972-73 500,000	
26. Manana Park—Construction of recreational facilities and playground.	50,000
27. Manoa Field—For the construction of basketball and volleyball courts, and other improvements for Manoa Valley Field, Manoa, Oahu.	85,000
28. Manoa Stream Pollution Study—Pollution study by the University of Hawaii and community organization.	35,000
29. Manoa Stream Park—The acquisition of land for a park along Manoa Stream from the University of Hawaii to the end of Manoa Valley, Oahu.	315,000
30. Nanakuli Park Project—Plans and construction of park and playground facilities, including comfort station.	172,000
31. Manoa Recreational Center—Planning and construction of a new	75,000

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access road from Manoa Road to Manoa Recreational Center Gymnasium. [To be matched by the City and County of Honolulu]	
32. Manoa Recreational Center—Planning and construction of tennis courts.	40,000
33. Manoa Recreational Center Athletic Field, Oahu—Supplementary appropriation for construction of parking facilities. [To be matched by the City and County of Honolulu]	20,000
34. Manoa Recreational Center Gymnasium—Supplementary appropriation for the construction of parking facilities. [To be matched by the City and County of Honolulu]	13,000
35. Manoa Recreational Center Gymnasium—The construction of roof gutters for gymnasium and the installation of louvers on mauka wall of gymnasium. [To be matched by the City and County of Honolulu]	20,000
36. Manoa Recreational Center Swimming Pool—Installation of lights and bleachers at the swimming pool. [To be matched by the City and County of Honolulu]	30,000
37. McCully Recreation Center—Construction of McCully Recreation Center (to supplement prior appropriation in Act 217, SLH 1967, Act 40, SLH 1968 and Act 187, SLH 1970.) [To be matched by the City and County of Honolulu]	500,000
38. Palama-Kapalama Mini-parks—Land acquisition and improvements for mini-parks in the Palama-Kapalama area to be used only for volleyball or basketball or tennis court or “pogo” skyride.	250,000
39. Papakolea Recreation Center—Planning and construction to enclose basement area; for covered playcourt; enlarge parking area and other improvements and necessary equipment.	100,000
40. Pauoa Valley Sewers, Improvement District, Oahu—To be matched by an equal amount and expended by the City and County for the sewer improvement project known as Pauoa Valley Sewers Improvement District.	100,000
41. Puunui Park—General park improvement (leveling and landscaping) and plans and construction of a multi-purpose room above existing recreation center.	300,000
42. Recreation Center, Pearl City—Planning and construction of a gymnasium between Highland Intermediate School and the Recreation Center.	300,000
43. Salt Lake Elementary School Playground—Acquisition of 4 acres (abutting school) or more of land for constructing and equipping school playground. [To be matched by the City and County of Honolulu]	150,000
44. Wahiawa Fred Wright Park—Supplemental appropriation for lights at Wahiawa Fred Wright Park. [To be matched by the City and County of Honolulu]	50,000
45. Acquisition of lands for the development of parks in the City and County of Honolulu other than in the Waikiki and Diamond Head area.	1,000,000
FY 1971-72 500,000	
500,000(c)	
FY 1972-73 500,000	
500,000(c)	
46. Youth Facility, Waianae—Acquisition of land, planning, and construction of a Youth Facility to house the Waianae Boxing Club and other martial arts activities in the area.	65,000
47. Waipahu Park—Purchase of land and planning of a park in the Waipahu flood basin area. [To be matched by the City and County of Honolulu]	250,000
<b>Street Lighting</b>	
48. Kemoo Junction—Installation of lights at Kemoo junction.	25,000

49. King Street—Lighting of King Street between Liliha Street and Owen Street.	10,000
50. Makiki Heights Drive—Installation of street lights on the state-owned portion of Makiki Heights Drive. [To be matched by the City and County of Honolulu]	10,000
51. Kaimuki Area Street Lighting—Installation of approximately 80 street lights with overhead wiring along Waialae Avenue from Old Waialae Road to 17th Avenue.	55,000
52. Kaukanahoa Road—Installation of overhead street lights from Wilikina Drive to Thompson Corner. [To be matched by the City and County of Honolulu]	150,000

**Roads**

53. Laulai Street Bridge—Replacement of deteriorated wooden structure with a 40 foot wide concrete structure with a span of 30 feet.	10,000
54. Manoa Road—Repaving of Manoa Road. [To be matched by the City and County of Honolulu]	90,000
55. Aiea Heights Road—Improvement from H-1 Freeway to Napuanani Road. [To be matched by the City and County of Honolulu]	320,000
56. Alohea Avenue, Oahu—Widening and improvement of Alohea Avenue. [To be matched by the City and County of Honolulu]	300,000
57. Booth Road Bridge—Construction of Booth Road Bridge over Pauoa Stream. [To be matched by the City and County of Honolulu]	114,000
58. Puiwa Road—Widening between Pali Highway and Park Street.	20,000
59. Salt Lake Boulevard—Improvement from realigned Halawa Heights Road to Kam Highway. [To be matched by the City and County of Honolulu]	250,000
60. Waimano Home Road—Plans and construction for overpass for Waimano Home Road.	200,000
61. Waimano Home Road—Widening of Waimano Home Road from Komo Mai Drive to Waimano Home. [To be matched by the City and County of Honolulu]	280,000

**Others**

62. Honolulu Redevelopment Agency—Loan and relocation fund to be administered by the Honolulu Redevelopment Agency for the Hinano, Hoolulu and Olu Projects.	350,000
63. Mokapu Outfall Sewer—Plans and construction and extension of outfalls.	1,500,000
FY 1972-73	1,500,000
	1,000,000(c)
64. Pauoa Valley Sewers—Sewer improvement project, improvement district, City and County of Honolulu. [To be matched by the City and County of Honolulu]	200,000
65. Rapid Transit System—Preliminary plans and engineering of a rapid transit system to provide a balanced transportation plan which would complement the bus, street and highway system.	1,000,000
FY 1972-73	1,000,000
	4,000,000(f)
	1,000,000(c)
66. Sewer Treatment Plant at Waialua—Plans for a sewer treatment plant at Waialua, Oahu, with matching funds from the City and County of Honolulu.	20,000

**Tourism**

(To be expended by the City and County of Honolulu)	
67. Waikiki Improvements, Oahu—General improvement planning, engineering, land acquisition and construction of public facilities for the general improvement of the Waikiki area, the boundaries of which are delineated on the Development Plan for the Kalia, Waikiki, and Diamond Head areas (Map designated as portion of	9,000,000
	4,000,000(c)

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1967 General Plan Development Plan Waikiki-Diamond Head [section A)]; provided that the City and County shall adopt special assessment ordinances whereby not less than 33-1/3% nor more than 66-2/3% of the entire cost of such improvements, other than for the development of General Improvement Planning, Engineering, incidentals and inspection, shall be assessed against lands and improvements situated within said area on the basis of assessed valuation for real property tax purposes.

FY 71-72

General Improvement Planning	\$1,000,000
Land, Engineering and Construction	2,000,000
	1,000,000(c)

FY 72-73

Land, Engineering and Construction	6,000,000
	3,000,000(c)

## II. COUNTY OF MAUI

### A. DEPARTMENT OF AGRICULTURE

1. Maui Vacuum Cooling Plant, Maui—Plans and installation of new tubes for vacuum cooling plant including refrigeration room. [To supplement prior appropriation] 80,000

### B. DEPARTMENT OF LAND & NATURAL RESOURCES

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

#### State Parks

1. Wahikuli Wayside Park, Maui—Planned improvements of present park and plans and construction of Phase II of park. 110,000
2. Beach Park, Kahului, Maui—Plans and construction for a beach park. 100,000
3. Kahului Beach Road Erosion Project, Maui—Plans and construction of revetment and berms to prevent further beach erosion along Kahului Beach Road. 75,000

### C. DEPARTMENT OF TRANSPORTATION

(To be expended by the Department of Transportation)

#### Harbors—Small Boat

1. Small Boat Harbor Ramp, Kihei, Maui—Construction of a small boat harbor ramp. 35,000
2. Small Boat Launching Ramp, West Maui—Plans and construction of small boat launching ramp, West Maui. 35,000
3. Kaunakakai Small Boat Harbor, Molokai—Incremental development for construction of small boat harbor. [To supplement prior appropriation] 150,000

#### Harbors—Commercial

4. Kahului Harbor, Pier II, Maui—Plans and construction of extension of freight shed. 80,000

#### Highways

5. Kaunalapau Highway, Lanai—Plans and construction of escape roads (spurs), Kaunalapau Highway near Kaunalapau Harbor opposite the Standard oil tank farm. 20,000
6. Manele Road, Lanai—Land acquisition and plans to construct 7.5 miles of two-lane highway from Kaunalapau Highway near Lanai City to Manele Boat Harbor. 95,000
7. Kamehameha V Highway, Molokai—Incremental improvements to Kamehameha V Highway from the end of present paved highway towards Halawa. 75,000

#### Airports

8. Lanai Airport, Lanai—Extension of parking facilities, painting of terminal and cargo building. 48,000

**D. UNIVERSITY OF HAWAII****Maui Community College**

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| 1. New Dormitory, Maui Community College, Maui—Site preparation and development.   | 74,000 |
| 2. Papa Avenue Extension, Maui—Plans and construction of Papa Avenue extension and parking lot for Maui Community College. | 33,000 |
| 3. Seminar Classrooms, Maui Community College, Maui—Plans, construction and purchase of furniture and equipment.           | 30,000 |

**E. DEPARTMENT OF EDUCATION****Schools**

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|---|---------|
| 1. School and Park Site, Makawao, Maui—Acquisition of 25 acres of land adjacent to the Eddie Tam Memorial Park for a school and park site.                                    | 300,000 |
| 2. Haiku School, Maui—Plans and construction of additional classrooms. [To supplement prior appropriation]  | 100,000 |
| 3. Makawao Elementary School, Maui—Master plan of school and construction of library and 4-classroom building, including purchase of furniture and equipment and landscaping. | 40,000  |
| 4. Lahainaluna High School, Maui—Plans and construction of new music building, including purchase of furniture and equipment and landscaping.                                 | 400,000 |
| 5. Lahainaluna High School, Maui—Plans and construction of gymnasium.   | 50,000  |
| 6. Lanai High and Elementary School, Lanai—Plans and construction of new music building, including purchase of furniture and equipment and landscaping.                       | 400,000 |
| 7. Lanai High and Elementary School, Lanai—Improvements to physical education playfield.  | 75,000  |

**Public Libraries**

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| 8. Lanai Community and School Library, Lanai—Construction of new community and school library. | 400,000 |
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**F. DEPARTMENT OF HEALTH****Act 97 Hospitals**

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|---|--------|
| 1. Kula Sanatorium, Makawao, Maui—Plans for new wing for 20 acute care beds to replace existing 20 nonconforming beds and facilities. | 40,000 |
|---|--------|

**Public Health and Others**

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|---|---------|
| 2. Lahaina Emergency Medical Center, Maui—Construction of Emergency Medical Center. | 300,000 |
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**Grant-In-Aid**

(To be expended by the Department of Health)

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|--|---------|
| 3. Lanai Community Hospital, Lanai—Completion of the capital improvement and for the purchase of equipment.  | 3,000   |
| 4. Molokai General Hospital, Molokai—Purchase of equipment and general improvements.   | 25,000  |
| 5. Hale Makua, Maui—Plans and construction of intermediate care unit facilities at Maui Memorial Hospital Complex. [To supplement prior appropriation] | 750,000 |

**K. AID TO COUNTIES**

(To be expended by the County of Maui)

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|--|-----------|
| 1. Makawao Water Project, Maui—Plans and construction of transmission lines. [To be supplemented by 30,000 of Board of Water Supply funds]   | 300,000   |
| 2. Hana Water Project, Maui—Studies, plans and construction of tank, well and pump and transmission lines. [To supplement prior appropriation and to be supplemented by 30,000 of Board of Water Supply funds] | 450,000   |
| 3. Kaunakakai-Ualapue-Pukoo Water Project, Molokai—Plans and construction of incremental development of water systems for Kaunakakai-  | 1,150,000 |

Ulalapue-Pukoo areas including transmission mains, storage facilities and appurtenances. [To supplement prior appropriation and to be supplemented by 70,000 of Board of Water Supply funds]	
4. Water Quality Control Program, Maui—Studies, plans and installation of facilities for purifying water systems including chlorinators, buildings and utilities.	100,000
5. Lower Kula Transmission Line, Maui—For incremental development of transmission and feeder lines and storage facilities. [To supplement prior appropriation and to be supplemented by 90,000 of Board of Water Supply funds]	90,000
6. Kihei Water Project, Maui—Plans and construction of pumps, controls, transmission lines, tanks and wells. [To supplement prior appropriation and to be supplemented by 60,000 of Board of Water Supply funds]	1,045,000
7. Haiku Water System, Maui—Studies and incremental improvements to system including transmission lines and tank. [To be supplemented by 10,000 of Board of Water Supply funds]	260,000
8. Makena Water System, Maui—Plans and construction of transmission lines and storage tank. [To supplement prior appropriation and to be supplemented by 30,000 of Board of Water Supply funds]	310,000
9. Ulupalakua and Kanio Water Project, Maui—Improvements to present line.	50,000
<b>Collection System and Treatment Plant</b>	
10. Wailuku-Kahului Treatment Plant, Maui—Plans, acquisition of land, and construction of sewage treatment plant and sewerage system. [ To supplement prior appropriation and to be supplemented by 2,500,000(c) and 5,000,000(f)]	1,275,000
11. Kihei Treatment Plant and Collection System, Maui—Plans and construction of sewage system and treatment plant. [To supplement prior appropriation and to be supplemented by 6,100,000(c) and 750,000(s)]	1,158,000
12. Lahaina Treatment Plant and Collection System, Maui—Plans and construction of treatment plant and collection system. [To supplement prior appropriation and to be supplemented by 860,000(c) and 1,780,000(f)]	598,000
13. Sewer Development Program, Lower Paia, Maui—Development of a sewer program at Lower Paia.	150,000
14. Kaunakakai Sewer System, Molokai—Supplemental funds for completion of project.	135,000
<b>Flood Control</b>	
15. Napili-Honokowai Flood Control, Maui—Plans, acquisition of rights of way and construction of drainage ditch and desilting basin. [ To supplement prior appropriation and to be supplemented by 110,000(c) and 300,000(f)]	100,000
16. Kaunakakai Flood Control, Molokai—Plans and construction of drainage and flood control improvements. [To be matched by County]	50,000
<b>Parks</b>	
17. Kahului Community Park, Maui—Plans and construction of a community park. [To be matched by County]	150,000
18. Harold Rice Park, Maui—Incremental development of park.	40,000
19. Kepaniwai Park, Maui—Plans and construction of incremental development of Heritage Garden complex. [To supplement prior appropriation and to be matched by County]	100,000
<b>Others</b>	
20. Lahaina Civic and Recreation Center, Maui—Plans and construction of police and fire station, swimming pool, tennis courts, locker room-bathroom facilities, government offices, athletic fields, including supplemental funds for gymnasium project. [To supplement prior appropriation and to be supplemented by 825,000(c)]	865,000

21. Maui Zoo, Maui—Plans and construction of a zoo. [To supplement prior appropriation and to be matched by County]	50,000
22. Wailuku Historic District, Maui—Plans and construction for development of Wailuku Historic District. [To be matched by County]	40,000
23. Pukalani Community Center, Maui—Plans for construction of a swimming pool.	25,000
24. Lahaina Offstreet Parking, Maui—Acquisition of land and construction of offstreet parking lot.	100,000
25. Community Center, Haiku, Maui—Plans and construction of a community center.	200,000
26. Lower Paia, Community Center, Maui—Land acquisition, planning and construction of a community center and offstreet parking.	250,000
27. Maui Drag Strip, Maui—Plans and construction of improvements including equipment for Maui Drag Strip at Puunene.	36,000

**III. COUNTY OF HAWAII**

**A. DEPARTMENT OF AGRICULTURE**

1. Multi-Purpose Shed, West Hawaii—Construction of a multi-purpose shed, treatment, and storage facility and other off-site and on-site improvements for West Hawaii.	70,000
2. Waimea Vacuum Cooling Plant—For purposes of completing construction and for equipment of plant facilities, including storage refrigeration.	40,000

**B. DEPARTMENT OF LAND AND NATURAL RESOURCES**

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

1. Extension of Hilo Water System—Installation of a water transmission pipeline, storage tank, plans and construction to extend the Hilo Water System to service the proposed King's Landing resort development, Keaau, District of Puna.	500,000
2. Kehena Ditch Water Source—Development of the water source, including the preparation of plans and construction of diversion works; pipeline storage reservoir and other appurtenances.	350,000
3. Kohala-Hamakua Houselot—Plans and construction for the development of subdivision improvements including roads, water mains, drainage, curb, gutter, sidewalks and related facilities.	250,000
4. Lalamilo Irrigation System, South Kohala—Replacement of existing lines.	150,000
5. Lapakahi State Park, North Kohala—Planning, initial development and construction of the park.	200,000
6. South Kona Water System—Extension and improvements to the system along the lower government main road from Keokea junction towards Keeki.	550,000
7. Malama-Ki Water Line—Extension of pipeline and construction of storage facilities.	260,000
8. Wailuku River Park—To continue improvements to the park.	15,000
9. Importation of bird and fowl.	20,000

**C. DEPARTMENT OF TRANSPORTATION**

(To be expended by the Department of Transportation)

1. Safety Improvements on Hawaii Belt Road—For the safety improvements, reconstructing dangerous curves, and correcting sub-standard super-elevation on Hawaii Belt Road, in the vicinity of Uchida Store Road, Ookala.	60,000
2. Hawaii Belt Road (Kahuku to Honuapo, Kau)—Incremental land acquisition and plans for approximately 17.9 miles of two-lane highway.	750,000

**Hilo Boat Harbor**

3. Planning and construction of boating facilities and other improvements in the Hilo Bay or Wailoa River area. [Unexpended funds from Act 187, SLH 1970, Item C-72 may be used to supplement this appropriation]	85,000
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4. Kaalualu Bay—For the widening and deepening of the channel and placing of buoys at the bay.	100,000
5. Kapoho to Keaukaha Highway—To supplement prior appropriations in order to continue development and improvement.	100,000
6. Waimea to Kawaihae Road Improvement—Repair, resurfacing and other improvements.	350,000
7. Kawaihae Road, Waimea towards Kawaihae, South Kohala—Construction of approximately 11.0 miles of two-lane highway on a new alignment from a connection with Mamalahoa Highway in the vicinity of Kamuela Race Track to a connection with the Kailua-Kawaihae Road at Hapuna.	700,000
8. Mamane Street at Honokaa—For improvements on Mamane Street at Honokaa.	20,000
9. Papaikou Pedestrian Crossing—Plans, construction and other appurtenances necessary to the establishment of a pedestrian crossing at Mamalahoa Highway.	50,000
10. Palani Road—Paving of the road. [To be matched by County]	200,000
11. Saddle Road—To widen, pave, and resurface the road. [To be expended by the County of Hawaii]	245,000
12. Wainaku and Papaikou Cane Flumes—For the removal of the cane flumes overpass at Wainaku and Papaikou.	25,000
13. Akaka Falls Road—For the completion of one-half mile of Akaka Falls Road and the reconstruction of the Narrow Bridge proximate to the upper end of Akaka Falls Road.	100,000
<b>D. UNIVERSITY OF HAWAII</b>	
1. University of Hawaii, Site Preparation and Development—Site preparation and development for an agricultural complex at U. of H., Hilo. This is to house Hawaii Agricultural Experiment Station, Cooperative Extension Service, two-year agricultural program of Hawaii Community College, and agricultural program of Hilo College.	400,000
2. University of Hawaii, academic and physical planning for U.H. at Hilo College, Hawaii Community College, and other related University programs in the County of Hawaii.	200,000
3. Plastic Hothouse Volcano Experiment Station—For the construction of a plastic hothouse and for other repair and maintenance needed for the Hawaii Island Experiment Station.	50,000
<b>E. DEPARTMENT OF EDUCATION</b>	
1. Haaheo School—For the completion of lavatory facilities.	100,000
2. Hilo High School—Plans and construction of an Industrial Arts Complex.	45,000
3. Hilo Union Elementary School—Planning, construction and renovation, including equipment and appurtenances, of the main building and acoustical improvements system.	250,000
4. Holualoa Elementary—Plans for 14 classrooms.	80,000
5. Honokaa High and Elementary School [To supplement prior appropriations]—Plans and construction of home economics facility, relocation of agricultural arts shop, construction of agricultural classroom, land laboratory, toilets, and parking. Construction of elementary classrooms.	100,000
6. Kapiolani Elementary School—Planning, construction and relocation of classrooms and toilet facilities and for the planning and construction of a connecting walkway.	135,000
7. Ka'u High and Pahala Elementary Schools—Plans, construction, equipment and appurtenances—industrial arts facilities, general shop, drafting and wood technology, P.E. locker facilities.	100,000
8. Kaumana Elementary—Plans and construction of a library and media center and a 4-classroom building and office and toilets.	250,000
9. Keaau Elementary and Intermediate Schools—Construction of class-	100,000



room building with toilets, connecting covered walkway to the gym, parking and playground. Plans for cafetorium.	
10. Keakealani School—Improvement for existing facilities.	25,000
11. Keaukaha Elementary School—First increment—plans and construction for sound proofing.	150,000
12. Kohala High and Elementary School—For the plans and construction of 4 additional classrooms with covered walkway and toilet facilities. [To supplement prior appropriation]	200,000
13. Kohala High and Elementary School—Plans for the construction of physical education and gym facilities including 2 classrooms, showers, lockers and other appurtenances.	50,000
14. Konawaena Elementary—Land acquisition (20 acres); plans for playground and master plans.	400,000
15. Konawaena High and Intermediate School—For plans and construction of physical education classrooms and locker-shower complex. [Supplement to any appropriations heretofore made]	100,000
16. Mountain View Elementary and Intermediate School—Construction, equipment and appurtenances for 4 elementary classrooms, toilets, workroom and covered walkway.	100,000
17. Public Library—Naalehu School—Community Library. Plans and construction, equipment, books and including humidity and temperature control.	150,000
18. Naalehu Elementary School—Construction, equipment and appurtenances for 8-rooms, kindergarten, elementary classroom building. [Supplement to prior appropriation]	100,000
19. Pahoia High and Elementary Schools—4-classroom elementary facility with toilets, covered walkway, construction, equipment and appurtenances—cafetorium, parking and covered walkway.	100,000
20. Waiakea Intermediate School—Construction of covered loading and unloading area and widening of roadway, entrance and exit.	35,000
21. Waiakea Intermediate School—Planning of a covered playcourt and two outdoor courts.	20,000
22. Waiakeawaena Elementary School—Supplemental appropriation for the planning and construction of a 10-classroom elementary building.	80,000
23. Naalehu Elementary School—For recreational facilities and other appurtenances.	15,000

**F. DEPARTMENT OF HAWAIIAN HOME LANDS**

(To be expended by the Department of Hawaiian Home Lands)

1. Improvement of facilities to Kawananakoia Hall—Keaukaha.	10,000
2. Panaewa Hawaiian Homes—For further development of recreational facilities.	15,000
3. Waiamea Community Hall—For improvements to the building and facilities.	200,000

**G. DEPARTMENT OF HEALTH**

1. Waiakea Health Center—Air condition equipment.	5,000
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**H. DEPARTMENT OF SOCIAL SERVICES**

(To be expended by the Department of Social Services)

1. Hilo Rehabilitation Center—For construction of and equipment. [Supplement to prior appropriations]	500,000
2. Senior Citizens Housing, Hilo—Plans for construction of adequate housing, recreational and other appropriate social service facilities. Said project shall take into consideration ethnic traditions including life styles. Said project to consist of at least 500 units, if appropriate.	250,000
3. Lanakila Community Center—Funds for athletic improvements and equipment.	15,000

**I. DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES**

1. Hilo State Office Building—Repair, refurbishings, and refurbishings	75,000
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	to the present building to meet additional State demands.	
2.	Honokaa Civic Center—Completion of the mauka portion of the center.	50,000
3.	Multi-Agency Maintenance and Service Complex at Honokaa—Plans for the construction of a multi-agency maintenance and service complex at Honokaa.	100,000
4.	Multi-Agency Maintenance and Service Complex at Kohala—Plans for the construction of a multi-agency maintenance and service complex at Kohala.	20,000
5.	Civic Center, North Kohala—To supplement prior appropriations for the completion and construction of Civic Center Facilities, North Kohala.	40,000
6.	Kona Civic Center, Capt. Cook—Improvements, alterations, and equipment and other appurtenances.	150,000
7.	Senior Citizens Transportation Services [To be matched by County]	50,000
8.	Senior Citizen Center—Puna and Ka'u Senior Citizens Facilities and other related appurtenances including land acquisition.	200,000

### K. AID TO COUNTIES

(To be expended by the County of Hawaii)

#### Public Works

1.	Hilo Sewerage System—Planning, land acquisition and construction of Phase III of the system to include construction of sewer mains to service Waiakea Houselots area [to supplement prior appropriation] [To be supplemented by 375,000(c) and 750,000(f)]	200,000
2.	Hilo Sewerage System—Planning and construction of relief sewer mains for downtown Hilo. [To be matched by County]	75,000
3.	Kailua Sewer System—Plans and construction of a sewer system at Kailua-Kona on Kuakini Highway. [To be matched by County]	100,000
4.	Planning, land acquisition and construction of new treatment plant and sewer mains to service area between Keauhou and Kailua. [To be supplemented by 845,000(c) and 1,733,000(f)]	500,000
5.	Solid Waste Disposal—Countywide—Planning, land acquisition, plant construction and purchase of equipment for implementation of solid waste disposal plan including Land Re-Filled Systems for Hilo, Hamakua, Kohala, Puna and Ka'u. [To be matched by County]	500,000

#### Roads

6.	Ainaloa Drive—Planning, land acquisition and construction of road leading to Waiakea-Uka area. [To be matched by County]	200,000
7.	Alii Drive Realignment—Planning and initial land acquisition for realignment of approximately 4 miles of coastal road between Kailua-Kona and Keauhou. [To supplement prior appropriation] [To be matched by County]	75,000
8.	Cambra Road Improvements, North Kohala—Widening and repaving. [To be matched by County]	20,000
9.	Haihai Street—Plans and construction of paving, from Kupulau Road to Ainaola Drive.	100,000
10.	Haihai Street to Ainaola Drive—Widen, pave, and resurface existing road. [To be matched by County]	50,000
11.	Belt Road—Waiohinu to Kahuku—Improvements to existing highway. [To be matched by County]	150,000
12.	Various Roads in Hilo—Recondition, repair or repaving. [To be matched by County]	50,000
13.	Homestead Roads—Countywide improvements to existing homestead roads. [To be matched by County]	100,000
14.	Kamehameha III Road—Planning and construction for realignment and improvement of approximately 1½ miles of road from Kuakini Highway to Keauhou Bay [to supplement prior appropriation]. [To be supplemented by 200,000(c) and 400,000(f)]	175,000
15.	Kapoho-Kalapana Road—Planning, land acquisition and construction	100,000

- for realignment and improvements to coastal road [to supplement prior appropriation][To be matched by County]
16. Kupuku Street—Planning and construction of paving, including bridging of flood control culvert to extension of Kapiolani Street. 100,000
  17. Kynnersley Road Improvements, North Kohala—Repaving and repaving and realignment. [To be matched by County] 40,000
  18. Napoopoo Road—Planning and initial land acquisition for widening, realignment and improvement to 5½ miles of road leading from Belt Highway to Kealakekua Bay [to supplement prior appropriation] [To be matched by County] 100,000
  19. Napoopoo-Honaunau Road—Planning, land acquisition and construction of Federal-Aid Secondary Highway between Napoopoo and the City of Refuge [to supplement prior appropriation] [To be supplemented by 200,000(c) and 600,000(f)] 250,000
  20. Waipio Scenic Drive—Planning, land acquisition and construction of highway connecting Waipio Lookout area with Mud Lane State Highway [to supplement prior appropriation] [To be matched by County] 160,000

#### Civil Defense Agency

21. Civil Defense Warehouse—Planning and construction of warehouse facility. 155,000

#### Parks and Recreation

22. Drag Strip Development (East Hawaii)—Construction of drag strip, equipment and other appurtenant items. [To be matched by County] [Supplement to prior appropriation] 175,000
23. Hakalau Little League Stadium—For the planning and installation of lights. 70,000
24. Hilo Bay—Plans for Black Sand Beach reclamation. 50,000
25. Honokaa Park Development—Land acquisition, sitework and design and construction of ballfields, restroom facilities and parking area. [To be supplemented by 200,000(c)] 100,000
26. Hoolulu Park Complex Multi-Purpose Community Facility—Plans, lands acquisition and construction. 187,000
27. Kaimu Beach Improvements—Plans, design, reconstruction and restoration of beach. [To be matched by County] [To be supplemented by 500,000(f)] 200,000
28. Kalapana Beach Park Development—Incremental expansion of facilities and landscaping for further development, including acquisition of lands. [To supplement prior appropriation] [To be supplemented by 150,000(f)] 250,000
29. Kamehameha Park Development (Kapaau, North Kohala)—Plans and construction of an outdoor 25-yard 8-lane swimming pool complete with toilet and shower facilities and mechanical room. [To supplement prior appropriation][To be supplemented by 200,000(c)] 450,000
30. Ka'u Playground Development—Design and installation of football-baseball-softball combination field lights, including tennis court and other appurtenances. [To be matched by County] 100,000
31. Kona (Keii) Golf Course Development—Incremental construction of a regulation 18-home municipal golf course, design and construction of clubhouse, driving range and parking facilities. [To supplement prior appropriation] [To be supplemented by 250,000(c)] 250,000
32. Kona Recreation Center Development (Kailua-Kona)—Plans and development of major athletic complex, including baseball fields, football field, tennis courts, other outdoor courts and accompanying restroom and parking facilities. [To be matched by County] 250,000
33. Laupahoehoe Beach Park Development—Master plan of site. Design and construction of swimming and wading pools. [To be matched by County] 200,000
34. Papaikou Playground Development—Sitework, plans and construction 150,000

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of baseball fields, restroom facilities and parking areas. [To be matched by County]	
35. Recreation and Water Safety, North Hilo—Plans, equipment and construction for residential water safety facilities.	50,000
<b>Department of Water Supply.</b>	
36. Board of Water Supply Base Yard—Construction of building to house field office, warehouse, meter repair shop, chlorinator and electrical repair shop, covered work area, fueling facilities, fencing, paving of driveways, and appurtenances.	135,000
37. Hamakua Water Development—To install transmission lines, pumps, and storage facilities. [Supplement to prior appropriations]	150,000
38. Honomu Transmission and Storage Facilities—To improve transmission line and construct storage facilities. [Supplement to prior appropriations]	80,000
39. Kalapana Water System—Extension of water transmission line on main Government Road from the vicinity of Harry K. Brown Park to Wahaula Visitor Center. [To Supplement prior appropriations] (Hawaii Volcanoes National Park Service to service Visitor Center at Wahaula).	250,000
40. Kulaimano Subdivision—Pepeekeo to Onomea Camp—Plans and construction of waterline.	50,000
41. Laupahoehoe Water System Improvement, North Hilo—To complete development of storage facilities, transmission lines and booster pumping stations. [To supplement prior appropriations]	135,000
42. Mt. View Water System—For extension of the Mt. View water system, along the 15-3/4 mile road.	50,000
43. Ninole Water System—For the development of water sources, transmission lines, and other appurtenances in the Ninole Water System. Funds appropriated in Act 187, B-4, Session Laws of Hawaii 1970 may be used to supplement this appropriation.	100,000
44. Panaewa Farm and House Lots Subdivision, South Hilo—[To supplement prior appropriations] [To be matched by County]	150,000
45. Volcano—Glenwood Water Systems—Plans and construction of water system, including sources and development—pipe lines, tanks and land acquisition and other related appurtenances. [To supplement prior appropriations]	200,000
<b>Others</b>	
46. Implementing Hamakua Community Master Plan—To supplement prior appropriations for plans and construction of roads, utilities, drainage and other related improvements.	100,000
47. Kailua-Kona Parking Lot—Planning, land acquisition and construction of municipal parking lot in Kailua-Kona. [To supplement prior appropriation] [To be matched by County]	150,000
48. Waiohinu Flood Control—Land acquisition and construction of flood control works in Waiohinu. [To supplement prior appropriation. [To be matched by County]	100,000

### IV. COUNTY OF KAUAI

#### B. DEPARTMENT OF LAND AND NATURAL RESOURCES

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

##### Land Development

1. Hanapepe Houselots, Hanapepe Heights—Plans and construction of residential houselots, including road, water, drainage facilities and other appurtenances. Sale of lots shall comply with Section 171-49, Act 184, SLH 1970. [To supplement prior appropriation]	250,000
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##### State Parks

2. Lydgate Park, Wailua River State Park—Plans and construction for pavilion to accommodate at least 250 persons.	150,000
3. Haena-Na Pali Coast State Park, Kauai—Incremental acquisition of kuleana inholdings of Kalalau, Honopou and Milolii valleys.	150,000

**Water Development**

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| 4. Kekaha Water System—Plans for the incremental development of water system, Kekaha.  | 20,000  |
| 5. Lihue Water System—Incremental development of water system including plans and construction for pipelines and appurtenances.                            | 20,000  |
| 6. Koloa Water System—Incremental development of water system including plans and construction for storage facilities, pipelines and appurtenances.        | 30,000  |
| 7. Kalaheo-Lawai Water System, Kalaheo—Exploratory deep well—1971-72, incremental source development (pump, controls, and inter-connecting mains—1972-73). | 182,000 |

**C. DEPARTMENT OF TRANSPORTATION**

(To be expended by the Department of Transportation)

**Harbors—Small Boat**

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|---|---------|
| 1. Nawiliwili Boat Harbor—Dredge portion of berthing area, construct revetment, launching ramp, mooring facilities, backup area, and other improvements. [To supplement prior appropriation]  | 111,000 |
| 2. Kikiaola Boat Harbor, Waimea—Plans and construction of general improvements to include dredging, fill, modification of breakwater, construction of bulkhead, mooring facilities, removal of old landing dock, extension of marginal wharf, and other improvements. [To supplement prior appropriation] | 40,000  |
| 3. Kukuiula Small Boat Harbor—Plans and construction of restroom facilities, improvement of existing or construction of new launching ramp and acquisition of additional land for parking area and other uses related to small boating. [To supplement prior appropriation]                               | 75,000  |
| 4. Hanalei Small Boat Harbor—Plans for retaining wall and groins to prevent shifting of sand from closing the river mouth.  | 10,000  |
| 5. Waimea Pier—Plans and construction for the reconstruction of Waimea Landing for recreational purposes.   | 50,000  |

**Highways**

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| 6. Kauai Belt Road, Hanalei Bridge and Approaches—Land acquisition and plans for approximately 1.3 miles of highway near Hanalei, including a bridge over the Hanalei River and landscaping. | 145,000 |
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**D. UNIVERSITY OF HAWAII****Research**

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| 1. Office-Laboratory Building Addition, Hawaii Agricultural Experiment Station, Wailua—Plans and construction of an office wing addition to the existing Office-Laboratory Building and the conversion of existing office spaces to laboratories. | 10,000 |
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**E. DEPARTMENT OF EDUCATION****Schools**

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|--|---------|
| 1. Kekaha Elementary School—Construction of classrooms, team center and library, including purchase of furniture and equipment and landscaping. [To supplement prior appropriation]  | 500,000 |
| 2. Kalaheo Elementary School—Construction of classrooms, team center and library, including purchase of furniture and equipment and landscaping. [To supplement prior appropriation]   | 260,000 |
| 3. Elele Elementary School—Construction of classrooms, parking areas and utility system, including purchase of furniture and equipment and landscaping. [To supplement prior appropriation]  | 300,000 |
| 4. Kapaa High and Intermediate School, and Elementary School—Plans and construction of sewer line to connect with Samuel Mahelona Hospital sewage treatment plant. Any balance may be utilized for Mahelona Hospital sewage treatment plant. | 50,000  |

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5. Kauai High and Intermediate School—Plans for regular and special classrooms. 20,000
6. Kaumakani School, Kauai—Master plan of elementary school. 20,000
7. Wilcox Elementary School—Plans and construction of sewer lines. 77,000

### Libraries

8. Library Facility, Koloa—New Koloa Community-School Library facility. 280,000  
[To supplement prior appropriation]

## F. DEPARTMENT OF HAWAIIAN HOME LANDS

(To be expended by the Department of Hawaiian Home Lands)

1. Anahola Subdivision, Kawaihau—Plans for sewage treatment plant and sewer line. 20,000

## G. DEPARTMENT OF HEALTH

### Act 97 Hospitals

1. Kauai Veterans Memorial Hospital, Waimea—Land acquisition, construction, equipment and landscaping for Acute Care Unit. Prior appropriation, Item H 37 of Act 187, SLH 1970, shall be used for this purpose. 2,500,000
2. Samuel Mahelona Memorial Hospital, Kapaa—Planning and construction of a sewage treatment plant at Samuel Mahelona Hospital, Kapaa. 225,000
3. Samuel Mahelona Memorial Hospital, Kapaa—Planning and construction of a parking area. 11,000

### Grant-In-Aid

(To be expended by the Department of Health)

4. G.N. Wilcox Memorial Hospital, Lihue—Completion of Acute Care Facility, including purchase of equipment. [To supplement prior appropriation] 500,000

## I. DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

1. Fifth Circuit Court Building, Lihue—Alterations and improvements to the existing Fifth Circuit Court Building, Lihue. [To supplement prior appropriation] 110,000

## K. AID TO COUNTIES

(To be expended by the County of Kauai)

### Parks and Recreation

1. Hanapepe Recreational Center—Plans and construction of swimming pool with shower, locker room and toilet facilities; development of recreational and multi-purpose center; relocation of existing building. [To supplement prior appropriation] [To be matched by County] 100,000
2. Salt Pond Golf Course, Hanapepe—[To supplement prior appropriation] [To be matched by County] 150,000
3. Poipu Beach Park, Kauai—Acquisition of land, construction of park facilities and other necessary improvements. [To supplement prior appropriation] [To be matched by County] 150,000
4. Sportsfield, Kalaheo—Plans, construction and land acquisition for Sportsfield, Kalaheo. [To be matched by County] 200,000

### Drainage and Sewers

5. Waimea Sewer System—Plans and construction for the Waimea Sewer System including sewage treatment plant and outfall sewer. [To supplement prior appropriation] [To be supplemented by 140,000(c)] 360,000
6. Waimea Water System—Incremental improvements to transmission main—1972-73. Incremental system improvement—1973-74. 90,000
7. Sewage Treatment Plant, CHEK Housing, Hanapepe—Planning and construction of a sewage treatment plant at CHEK Housing, Hanapepe. [To be supplemented by 50,000(c)] 200,000

8. Drainage System, Hanapepe Heights Road—Plans and construction of approximately 300 feet of drainage system. County shall participate for balance of project.	150,000
9. Hanapepe Town Drain, Kauai—Plans and construction of drainage system. [To be matched by County]	200,000
10. Lihue Water System, Lihue—Transmission main—Lihue to Hanamaulu.	264,000
11. Kilauea Water System, Kilauea—Connecting transmission main to Kilauea source—1972-73.	90,000
12. Wailua Golf Course Maintenance and Storage Shop, Kauai.	25,000
<b>Others</b>	
13. Kauai War Memorial Convention Hall, Lihue—Plans for the extension of the exhibition and meeting area. [To be matched by County]	25,000
14. Detention Cells, Lihue—Plans and construction for the extension of Kauai Police Department building, including detention cells; provided however, that this appropriation shall be on the condition that use of Wailua County Jail be terminated. [To be matched by County]	55,000
15. West Kauai Senior Center, Waimea—Plans, construction, furnishing and acquisition of land for the use of senior citizens and the community including space for Waimea District Court. [To be supplemented by 200,000(c)]	300,000
16. Kaumakani Civic and Senior Center—Plans, construction, equipment and acquisition of land for civic and senior center at Kaumakani. [To be supplemented by 100,000(c)]	200,000
17. Koloa Civic and Senior Center—Plans and construction of facilities for the District Court, Health, Social Services, and Senior Center. [To supplement prior appropriation]	250,000
18. Kauai County Beautification Projects—Planning, implementation, and purchase of equipment for the beautification of the public sector on the island of Kauai. [To be matched by County]	50,000
19. Kauai Civil Defense Communication System—To upgrade commercial radio station to Emergency Broadcasting Station (EBS) Standards, including generators, receivers, electric wiring, and satellite studio at transmitter site.	25,000

SECTION 3. The appropriations and authorization in Section 2 include land purchase, plans, site preparation, improvements to land, construction and necessary equipment.

SECTION 4. The designated expending agency is authorized to delegate to other state or county agencies the planning and construction of projects under Section 2 when it is determined by such agency that it is more advantageous to do so.

SECTION 5. The governor shall determine when and the manner in which authorized projects shall be initiated. In releasing funds for projects, the governor shall consider the objectives of the user agency, its programs, the scope and level of the user agency's intended service; and the means, efficiency, and economics by which the project will meet the objectives of said user agency and the State. Agencies responsible for construction shall take into consideration the objectives of the user agency, its programs, the scope and level of the user agency's intended service and construct the improvement to meet the objectives of said user agency in the most efficient and economical manner possible.

SECTION 6. The negotiation for the purchase of land by State agencies

## ACT 197

shall be subject to the approval of the governor. Private lands may be acquired for the purpose of exchange for federal lands when the governor determines that such acquisition and exchange are necessary for the completion of any herein authorized projects.

SECTION 7. In case the amount specified for any capital improvement project shall not be wholly required to complete the work of such project 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 amount may be expended with the approval of the governor for any other capital improvement project authorized by the legislature, in this Act or in a prior year for projects within the same county.

SECTION 8. 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, 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 organization or individuals, if approved by the governor. While most federal-aid allocations are known and local matching funds are provided in this Act, there may be programs for which federal-local cost sharing is not yet determined. In such cases, the availability of federal funds shall be construed as a reduction of State costs whenever possible.

SECTION 9. In connection with all State park projects in Section 2, the board of land and natural resources may use its present staff, summer student help, and such temporary personnel who shall be exempted from the provisions of Chapters 76 and 77, Hawaii Revised Statutes, and who are unemployed and are duly registered as unemployed with the department of labor and industrial relations. The board may, upon approval of the governor, enter into contract for the necessary equipment, supplies, materials, labor, professional service and technical assistance to be used in the projects.

SECTION 10. Where appropriations or authorizations for department of education or university of Hawaii projects specify the number of units, classrooms, partitions, etc. and the amount appropriated or authorized is insufficient to plan for and construct the specified number, the agency may plan for and construct less than the number specified.

SECTION 11. For any project jointly funded by state and county monies, state funds shall be used only when the county provides at least its pro rata share as indicated in the project authorization.

SECTION 12. 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 13. In the event the State should assume the direct operation of any non-public agency receiving State funds under the provisions of this Act, such funds shall be applied as a credit to the State against such capital costs as land, structures, and equipment, in acquiring that non-public agency.

SECTION 14. Any law or any provision of this Act to the contrary notwithstanding, the appropriations made for capital investment projects included in Section 2 of this Act shall not lapse at the end of the fiscal period for which appropriations are made, provided that all unencumbered appropriations shall lapse on June 30, 1976.

SECTION 15. This Act, upon its passage and approval in the manner provided by the constitution of the State, shall take effect on July 1, 1971.  
(Approved June 21, 1971.)

ACT 198

H. B. NO. 1314

A Bill for an Act Relating to Lapsing of Funds for Public Improvements and Other Programs.

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

SECTION 1. The purpose of this Act is to lapse certain funds or portions thereof heretofore appropriated or authorized for certain public improvements or other programs which have proved unnecessary because of project deferral, cancellation or completion, or because of other changes in the purpose expressed in the Act for which the funds were intended to be expended, not otherwise lapsed by law.

SECTION 2. Any law to the contrary notwithstanding, appropriations authorized under the following acts in the amounts indicated are hereby lapsed:

DEPARTMENT OF LAND AND NATURAL RESOURCES

Act/SLH	Item	Project Title	Lapsing Amount
244/1959	B-3	Waiakea Mill Pond—Game Fish Preserve, Hawaii.	\$ 277.83
23/1960	I-C-2d	Puna Lava Flow Victims, Hawaii. Preparation of public lands for exchange with victims of 1955 Puna eruption.	29,530.00
30/1962	B-2-k	Honolulu Bait Station, Kapalama.	1,536.09
30/1962	B-2-l		7.79
30/1962	E-1-g	Puu-Ka-Pele Water System Transmission line and tank to complete the connection of Puu-Ka-Pele System to Kokee Park System and appurtenances.	1,910.51
201/1963	C-1-g	New State Park between Wailuku and Kahului, Maui.	18,030.09

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52/1964	B-1-j	Wahiawa Public Fishing Area, Oahu. Construction of road, parking area, boat launching ramp and dock.	279.03
52/1964	E-1-k	South Pacific Pool Improvement, Kauai. Improvement of the road and parking area.	15,268.38
195/1965	B-II-15	Pupukea Forest Park, Oahu. Develop Pupukea Camp for park purposes.	49,612.31
195/1965	G-9	Matson Property (Appraisal), main purchase of land and buildings, tax key 2-1-03-42.	5,000.00
195/1965	G-6	Forest Development, Molokai Forest Reserve. Construct 3.2 mi. of single tract dirt road from Waikolu Lookout to Puu O Wahaula for recreational purposes.	7,000.00
187/1970	B-55	Kokee—Na Pali State Park Complex, Kauai. Incremental construction of a road, Kokee to Hanalei—Wainiha, using State Parks equipment and labor.	200,000.00
<b>TOTAL</b>			<b>\$ 328,452.03</b>

**DEPARTMENT OF TRANSPORTATION**

**AIRPORTS DIVISION**

201/1963	E-2-c	General Aviation Landing Strip, Hanalei, Kauai.	\$ 60,000.00(s)
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**HARBORS DIVISION**

244/1959		Assisting U.S. District Engineer's Office in Expediting the Survey of the Coast of the Hawaiian Islands for establishing harbors for refuge and other purposes.	2,123.57
23/1960	A-3-b	Haleiwa Beach Park. Beach Erosion and wave action model study.	19,356.01
30/1962	D-3-d	Freight shed at Kailua Pier, Kailua, Hawaii. Alteration of freight shed.	49,900.77
30/1962	E-2-h	Port Allen Pier and Nawiliwili Pier. Install vacuum cooling plant and reefer, for vacuum cooling of farm products.	78,610.51
201/1963	B-3-e	Kewalo Basin. Provide toilets and shower facilities.	20,000.00(s)
201/1963	D-3-d	Vacuum Cooling Plants, Hawaii. Install vacuum plant at Hilo.	60,000.00(s)
201/1963	D-3-i	Dock Facilities, Kawaihae. Erect three dolphins and necessary appurtenances.	70,000.00(s)
201/1963	E-2-g	Port Allen Comfort Station. Relocate toilet and shower facilities outside of pier shed.	15,000.00(s)
52/1964	A-2-h	Geophysics Institute Facility, Kewalo Basin. Building and related facilities for protective barrier model.	425,000.00
195/1965	E-36	Kekaha Beach Erosion, Kauai. Engineering studies to prevent erosion of the beach area.	5,000.00
40/1968	C-14a	Sand Island Drydock.	750,000.00(r)

## HIGHWAYS DIVISION

30/1962	C-3-m	Route 400, Makawao Avenue—Kau-pakalua to Kakipi Gulch.	29,600.00
201/1963	B-3-cc	Sand Island Access Road, Lighting.	25,000.00
201/1963	B-3-aa	Likelike Hwy., Overpass-Vicinity of Dole Intermediate and Kaewai Elementary Schools.	100,000.00
201/1963	B-3-gg	Moanalua Road Lighting, Hale St. to Halawa Hts. Rd.	14,000.00
201/1963	B-3-hh	Construction of Overpass on Farrington Hwy. in Waipahu, Oahu.	90,000.00
201/1963	B-3-ii	Street Extension of Kihale Place, Aiea.	50,000.00
201/1963	D-3-j	Kona-Hilo Road, Hawaii	70,000.00
201/1963	D-3-p	Overpass Lights, Hawaii Belt Road at Hakalau and Papaikou.	5,000.00
201/1963	E-2-z	State Street Light System, Kauai.	25,000.00
52/1964	B-2-aa	Installation of Street Lights Waokanaka St., Oahu.	5,000.00
195/1965	D-30	Farrington Hwy., Maipalaoa Foot-bridge, Oahu.	8,000.00(s)
38/1966	IV-B-18	Overpass, Hamakua Belt Road, Honokaa, Hawaii.	22,500.00
217/1967	C-88	Kamehameha Hwy-Kipapa St. Intersection. Provide a Left Turn Deceleration storage lane in the median for Honolulu-bound traffic.	19,000.00
217/1967	C-121	Overpass, Hamakua Belt Road, Honokaa, Hawaii.	22,500.00
217/1967	C-81	Halawa Heights Road, Oahu. Widening and Overhead street lights at Moanalua Road Intersection.	90,000.00
40/1968	C-70	Overpass, Hamakua Belt Road, Honokaa, Hawaii.	18,000.00
		Special Funds	165,00.00(s)
		Revenue Bonds	750,000.00(r)
		G.O.B. or Cash	1,165,590.86
		<b>TOTAL</b>	<b>\$2,080,590.86</b>

## DEPARTMENT OF EDUCATION

30/1962	IB-BA30	Lanikai Elementary Plan and construct 1st increment.	\$ 2,449.91
30/1962	IB-BA36	Niu Valley Intermediate 10 special classrooms.	5,107.77
30/1962	IB-BC14	Kauluwela Elementary Fencing.	9,500.00
201/1963	IB-11C	Ewa Elementary Extension of library.	20,000.00
201/1963	IB-11D	Ewa Elementary Paving of campus road.	114.24
201/1963	IB-11E	Aiea High Physical education facilities.	20,687.86
201/1963	IB-11F	Ewa Beach Elementary Additional classrooms.	10,130.34
201/1963	IB-11H	Highlands Intermediate Construct P.E. facilities.	32,400.61
201/1963	IB-11K	Waianae Elementary Enlarge and screen cafeteria.	5,059.48

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201/1963	IB-11M	Kalihi-Kai Elementary Plan and construct additional classrooms.	7,132.00
201/1963	IB-11P	Puuhale Elementary Portable classrooms.	5,266.00
201/1963	IB-11S	Maemae Elementary Construct covered walkways and kindergarten building.	431.36
201/1963	IB-11W	Pohukaina School Improvements to classrooms.	547.00
201/1963	IB-11AA	McKinley High Plans for gymnasium.	12,658.46
201/1963	IB-11BB	Kauluwela Elementary Plan and construct classrooms.	17,304.45
201/1963	IB-11DD	Ala Wai Elementary Construct parking area.	6,000.00
201/1963	IB-11FF	Liliuokalani Elementary 8 classrooms replacement.	6,433.08
201/1963	IB-11GG	Jarrett Intermediate Playground improvements and lighting of school and adjoining area.	600.00
201/1963	IB-11KK	Washington Intermediate Plans for industrial arts building.	1,695.00
201/1963	IB-11LL	Manoa Elementary Complete drainage system and covered walkway.	4,000.00
201/1963	IB-11OO	Lunalilo Elementary Plan and construct chain link fence and incidentals.	2,242.00
52/1964	IB-03F	Manoa Branch Library Additional funds to plan and construct library.	41,940.86
52/1964	IC-03A	Wailuku Library Re-roofing.	268.73
52/1964	IB-03E	McCully-Moilili Library Additional funds to plan and construct and equipment.	1,214.99
52/1964	IE-08E	Wilcox Elementary Custodial building.	535.86
52/1964	IC-03B	Makawao Branch Library Plans for library building.	1,720.14
52/1964	IC-08D	Lanai High Construct 5 classrooms and auto mechanic shed.	49,563.97
52/1964	IC-08I	Kahului Elementary Construct warehouse and store-room.	390.60
52/1964	IC-07C	Waiakea Intermediate (No description)	128.22
52/1964	IC-07E	Waiakeawaena Elementary (No description)	2,141.43
52/1964	ID-07G	Haaheo Elementary Alterations and renovations.	898.78
52/1964	ID-07L	Hilo High Improvements.	3,189.39
52/1964	IB-14A52	Liholiho Elementary Chain link fence.	3,014.35

52/1964	IB-14A62	Waikiki Elementary Plans for administration/library building.	9,626.16
52/1964	IC-08F	Wailuku Elementary New playground improvements.	946.79
52/1964	IC-08G	Maui High New water system.	26,520.71
52/1964	IC-08A	New Molokai Elementary (Kualapuu) Complete; construct new school.	74,979.67
52/1964	IC-08H	Iao Elementary Plans for classroom building.	8,000.00
52/1964	IC-08C	Kaunakakai Elementary Construct 4-classroom building.	29,230.48
52/1964	IB-14A26	Aiea Intermediate Cafetorium plans.	4,750.00
52/1964	IB-14A27	Leilehua High Covered walkways and teacher's dining room.	9,021.59
52/1964	IB-14A7	McKinley High Construct gymnasium.	1,271.00
52/1964	IB-14A36	Puuhale Elementary Construct kindergarten classrooms.	709.28
52/1964	IB-14A44	Kalakaua Intermediate Plan and construct new shop building.	27,579.66
52/1964	IB-14A45	Kapalama Elementary Plan and construct 2 story classroom replacement.	446.32
52/1964	IB-14A49	Kalani High Gymnasium.	114.21
52/1964	IB-14A3	Keolu Elementary Plans for cafetorium.	12,000.00
52/1964	IB-14A6	Roosevelt High Plans for swimming pool.	15,000.00
52/1964	IB-14A9	Nuuanu Elementary Plans for cafetorium.	1,628.00
52/1964	IB-14A10	Royal Elementary Overpass over Emma Street.	12,721.87
52/1964	IB-14A12	Nanaikapono Elementary Portable classrooms for 11th grade.	30,000.00
52/1964	IB-14A13	Maili Elementary Cafetorium plans.	3,000.00
52/1964	IB-14A14	Makaha Elementary Administration and library plans.	6,500.00
195/1965	IC-54	Wailuku Elementary Construct 4-classroom building.	17,547.17
195/1965	IC-56	Lahainaluna High Plan and construct farm shop and classrooms.	152.54
195/1965	IC-57	Kilohana Elementary Construct student lavatories.	1,788.50
195/1965	IC-63	Waiakeawaena Elementary Construct 2 classrooms.	7,917.29
195/1965	IC-65	Ernest DeSilva Elementary Enlarge and remodel dining room; plan classrooms and library.	20,656.01

**ACT 198**

195/1965	IC-70	Hilo Union Elementary Construct kitchen multi-purpose building.	974.30
195/1965	IC-44	Washington Intermediate Construct classrooms and shops.	6,501.09
195/1965	IC-45	Kapalama Elementary Construct kitchen multi-purpose building.	26,457.36
195/1965	IC-50	Aliiolani Elementary Construct classrooms, temporary relocation of administration.	5,243.55
195/1965	IC-51	Kaunakakai Elementary Plan and construct multi-purpose building.	6,929.44
195/1965	IC-52	Lanai High Plan and construct P.E. building, locker/shower.	73,793.71
195/1965	IC-36	Waialae Elementary Plan and construct 6 classrooms, administration, library and site work.	37,907.97
195/1965	IC-37	Ala Wai Elementary Plan and construct administration and parking.	989.57
195/1965	IC-38	Kaahumanu Elementary Plan and construct 10 classrooms.	10,445.49
195/1965	IC-39	Lunalilo Elementary Construct kitchen multi-purpose building.	3,567.83
195/1965	IC-41	Royal Elementary Construct 12-classroom building.	4,062.26
195/1965	IC-19	Kaimuki Intermediate Construct 9-classroom building.	27,200.55
195/1965	IC-21	Mokuele Elementary Plan and construct 10 classrooms.	19,112.25
195/1965	IC-24	Waipahu Elementary Construct cafetorium.	893.94
195/1965	IC-31	Maili Elementary Construct multi-purpose building.	8,257.33
195/1965	IC-34A	Leilehua High Plans for gymnasium.	2,544.35
195/1965	IC-35	Farrington High Plan and construct kitchen multi-purpose dining room and move custodian's cottage.	29,000.00
195/1965	IC-03	Kailua-Mokapu Intermediate (Kalaheo Hillside Inter.) Construct classroom, shower/locker rooms, kitchen multi-purpose building.	33,926.46
195/1965	IC-04	Palisades Elementary Construct classrooms, administration, library, kitchen.	112,433.94
195/1965	IC-06	Kipapa Elementary Construct 8 classrooms.	866.34
195/1965	IC-12	New Wheeler Intermediate Plans.	30,980.00
195/1965	IC-17	Aiea High Plan and construct classrooms, ad-	53,494.44

195/1965	IC-71	ministration, library, and site work. Kaumana Elementary	87.89
195/1965	IC-72	Construct off-street unloading and loading area. Haaheo Elementary	23,575.38
		Supplement prior appropriation for kitchen.	

TOTAL \$1,116,119.57

**DEPARTMENT OF HEALTH**

195/1965	K-8	Mental Health and Mental Retarda- tion—Community Center at Alder Street—Plans.	\$ 10,000.00
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**DEPARTMENT OF DEFENSE**

40/1968	J-2	Rifle Range, Diamond Head Crater, Fort Ruger, Oahu.	81,170.04
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**DEPARTMENT OF ACCOUNTING  
AND GENERAL SERVICES**

30/1962	C-7a	State Office Building, Wailuku.	9.29
201/1963	IB-9b	State Civic Center, Master Plan.	1,258.52
201/1963	IB-9d	Renovation of Electrical System Ho- nolulu Civic Center.	1,804.53
52/1964	IB-8b	Renovate Electrical System, Hono- lulu Civic Center.	915.29
52/1964	IB-9a	Air Conditioning, Hale Auhau	3,574.64
195/1965	N-1	Place Seal of Hawaii, Washington Memorial.	500.00
195/1965	N-4	Tax Office Building Additional air conditioning.	144.47
195/1965	N-6	Air condition Department of Regula- tory Agencies Quarters.	200.72
195/1965	N-11	State Office Building, Kona.	752.13
			200.00
217/1967	K-13	Senior Opportunity Center, Oahu.	20,000.00
217/1967	K-14	Senior Opportunity Center, Waipahu, Oahu.	20,000.00
187/1970	K-9	State Communication System	30,000.00

TOTAL \$ 79,359.59

**JUDICIARY DEPARTMENT**

217/1967	N-4	Air Conditioning of Supreme Court Law Library, Honolulu.	\$ 1,792.00
217/1967	N-6	Court Building, Hawaii	403.43

TOTAL \$ 2,195.43

**GOVERNOR**

187/1970	L-1	Conference Center—Purchase of land and buildings of Kaiser Estate located on Portlock Road or any other site for use as an international conference center as well as other conferences and seminars.	\$2,500,000.00
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SECTION 3. This Act shall take effect upon its approval.

(Approved June 21, 1971.)

A Bill for an Act Relating to Civil Service Exemptions.

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

SECTION 1. Section 76-16, Hawaii Revised Statutes, is amended to read:

**“§76-16 Civil service and exemptions.** The civil service to which this part applies comprises all positions in the state service now existing or hereafter established and embraces all personal services performed for the State, except the following:

- (1) Commissioned and enlisted personnel of the Hawaii national guard as such, and positions in the Hawaii national guard which are required by state or federal laws or regulations, or orders of the national guard, to be filled from such commissioned or enlisted personnel;
- (2) Positions filled by persons employed by contract where the director of personnel services has certified that the service is special or unique, is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform such service cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year;
- (3) Positions of a temporary nature needed in the public interest where the need for the same does not exceed ninety days, but before any person may be employed to render such temporary service the director shall certify that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practicable; provided, that the employment of any person for service of a temporary nature may be extended for good cause for an additional period not to exceed ninety days upon similar certification by the director;
- (4) Positions filled by the legislature or by either house or any committee thereof;
- (5) Employees in the office of the governor and household employees at Washington Place and six employees in the office of the lieutenant governor;
- (6) Positions filled by popular vote;
- (7) Department heads, officers and members of any board, commission, or other state agency whose appointments are made by the governor or are required by law to be confirmed by the senate;
- (8) Judges, referees, receivers, masters, jurors, jury commissioners, notaries public, land court examiners, court commissioners, and attorneys appointed by a state court for a special temporary service;
- (9) One secretary or clerk for each justice of the supreme court and each judge of the circuit court; one law clerk for each justice of the supreme court and each judge of the circuit court (provided that the law clerk for a judge of the circuit court shall be em-



ployed in lieu of and shall have the powers and duties of a court officer and bailiff under section 606-14); and one private secretary for each department head, each deputy or first assistant, and each additional deputy, or assistant deputy, or assistant defined in subparagraph (17);

- (10) Assistant and deputy attorneys general and law clerks;
- (11) Teachers, principals, vice-principals, district superintendents, chief deputy superintendents, other certified personnel, and not more than twenty noncertificated administrative, professional, and technical personnel not engaged in instructional work in the department of education, and members of the faculty of the University of Hawaii, including research workers, extension agents, personnel engaged in instructional work and administrative, professional, and technical personnel of the university;
- (12) Employees engaged in research projects approved by the governor, for which projects federal funds are available, provided the period of employment shall not exceed one year;
- (13) Election inspectors, election clerks and other election employees;
- (14) Positions filled by inmates, kokua, patients, and students of state institutions, and persons with severe physical or mental handicaps participating on the work experience training programs under Titles 1 and 2 of the Federal Manpower Development and Training Act of 1962, as amended;
- (15) A custodian or guide at Iolani Palace, Royal Mausoleum, and Hulihee Palace;
- (16) Positions filled by persons employed on a fee, contract, or piece-work basis who may lawfully perform their duties concurrently with their private business or profession or other private employment and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time to be devoted to the service of the State;
- (17) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, article IV, of the State Constitution, additional deputies or assistants in charge of the highways, harbors and airports divisions within the department of transportation, one additional deputy to administer all hospitals within the jurisdiction of the department of health, one additional deputy in the department of health to administer all environmental health programs within the jurisdiction of the department, and an administrative assistant to the superintendent of education;
- (18) Positions specifically exempted from this part by any other law; provided, that all of the positions defined by subparagraph (9) shall be included in the position classification plan.

The director shall determine the applicability of this section to specific positions.

Nothing in this section shall be deemed to affect the civil service status of any incumbent, as it existed on July 1, 1955."

**ACT 200**

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring\*

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

(Approved June 21, 1971.)

**ACT 200**

S. B. NO. 372

A Bill for an Act Relating to Real Property Taxes.

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

SECTION 1. Chapter 246, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows:

**"Sec. 246- Dedicated lands for residential uses.**

(a) The term 'owner' as used in this section means a person sixty years of age or older who is the fee simple owner of real property, or who is the lessee of real property whose lease term extends at least ten years from the date of the petition.

(b) A special land reserve is established to enable the owner of any parcel of land not more than 10,000 square feet in area within an urban district to dedicate his land for residential use and to have his land assessed at its value in residential use; provided that (1) the land dedicated shall be used only for single family residential uses; (2) the owner of the land dedicated shall use it as his home; and (3) not more than one parcel of land shall be dedicated for residential uses by any owner.

(c) If any owner desires to use his land for residential use and to have his land assessed at its value in this use, he shall so petition the director of taxation and declare in his petition that if his petition is approved, he will use his land for single family residential uses only and that his land so dedicated will be used as his home.

Upon receipt of any such petition, the director of taxation shall make a finding of fact as to whether the land described in the petition is being used by the owner for residential uses only and as his home. If the finding is favorable to the owner, the director of taxation shall approve the petition and declare the land to be dedicated.

(d) The approval of the petition by the director of taxation to dedicate shall constitute a forfeiture on the part of the owner of any right to change the use of his land for a minimum period of ten years, renewable thereafter for additional periods of ten years each upon reapplication, subject to cancellation by either the owner or the director of taxation upon five years' notice at any time after the end of the fifth year.

(e) Failure of the owner to observe the restrictions on the use of his land shall cancel the special tax assessment privilege retroactive to the date of the

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\* Edited accordingly.

petition, and all differences in the amount of taxes that were paid and those that would have been due from assessment in the higher use shall be payable with an eight per cent per year penalty from the respective dates that these payments would have been due. Failure to observe the restrictions on the use means failure for a period of over one calendar year to use the land in the manner requested in the petition or the overt act of changing the use for any period. Nothing in this subsection shall preclude the State from pursuing any other remedy to enforce the covenant on the use of the land.

(f) The director of taxation shall prescribe the form of the petition. The petition shall be filed with the director of taxation by March 1 of any calendar year and shall be approved or disapproved by June 15. If approved, the assessment based upon the use requested in the dedication shall be effective on July 1 of the next calendar year.

(g) The owner may appeal any disapproved petition as in the case of an appeal from an assessment.

**Sec. 246- Effect of sale of dedicated land under certain circumstances.**

(a) Upon the sale of land dedicated pursuant to section 246- and within five years after:

- (1) Failure of the owner to observe the restrictions on the use of the dedicated land;
- (2) Termination of the initial or any succeeding ten year dedication period; or
- (3) Death of the owner who was granted approval to dedicate; there shall be due to the State from the vendor of the land the amount specified in subsection (b).

(b) The amount due to the State pursuant to subsection (a) shall be fifty per cent of the difference between the selling price of the land and:

- (1) The basis of the land for determining capital gain or loss for tax purposes; or
- (2) The real property tax assessed value as of the date of the happening of the event designated in subsection (a) (1), (2), or (3);

whichever is higher.

**Sec. 246- Payment of amount due to the State.** Payment of any amount due under section 246- shall be made to the director of taxation within six months after sale of the land. Any amounts not paid within such time shall constitute a lien in favor of the State upon the land sold as of the date of sale. In addition, amounts due and unpaid shall be subject to interest at the rate of six per cent a year until fully paid. Amounts received or recovered by suit shall be deposited into the general fund of the State.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

\* Edited accordingly.

**ACT 201**

**SECTION 3.** This Act shall take effect upon its approval.  
(Approved June 21, 1971.)

**ACT 201**

**S. B. NO. 531**

A Bill for an Act Relating to the Lapsing of Capital Improvement Funds and other Funds.

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

**SECTION 1.** The legislature finds that funds have been appropriated for capital improvement projects and other purposes but have not been expended due to changes in circumstances or the nonfeasibility of projects. The legislature further recognizes that such funds, by law, are restricted to those projects for which they were appropriated. In view of such a restriction, the legislature feels that such funds which were authorized in the capital improvements and other acts, but have not been encumbered or expended may be put to further use. The purpose of this Act is to lapse all unencumbered capital improvement appropriations and other appropriations deemed unnecessary which have not otherwise been lapsed by law.

**SECTION 2.** Any law to the contrary notwithstanding, all authorized appropriations under Act 193, Session Laws of Hawaii 1961; Act 194, Session Laws of Hawaii 1961; Act 195, Session Laws of Hawaii 1961; Act 30, Session Laws of Hawaii 1962; Act 201, Session Laws of Hawaii 1963; Act 52, Session Laws of Hawaii 1964; Act 195, Session Laws of Hawaii 1965; Act 38, Session Laws of Hawaii 1966; Act 217, Session Laws of Hawaii 1967; and Act 278, Session Laws of Hawaii 1967, which are not encumbered by June 30, 1972 shall lapse as of that date.

**SECTION 3.** Any law to the contrary notwithstanding, all authorized appropriations which are not encumbered shall lapse as listed herein:

(a) Projects appropriated or authorized by Act 40, Session Laws of Hawaii 1968, which are unencumbered by June 30, 1973 shall lapse as of that date.

(b) Projects appropriated or authorized by Act 155, Session Laws of Hawaii 1969, which are unencumbered by June 30, 1974 shall lapse as of that date.

(c) Projects appropriated or authorized by Act 187, Session Laws of Hawaii 1968, which are unencumbered by June 30, 1973 shall lapse as of that date.

**SECTION 4.** This Act shall take effect upon its approval.  
(Approved June 21, 1971.)

**ACT 202**

**S. B. NO. 622**

A Bill for an Act Relating to the Hawaii Foundation for History and the Humanities

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

SECTION 1. Section 6-16, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 6-16 Statement of purpose.** The purpose of this subchapter is to create a non-profit corporation for historic preservation, research, restoration, presentation, museum activities, and support programs; and in cooperation with and in assistance to the department of land and natural resources and other state agencies to receive sites, buildings, and objects significant in Hawaii’s history and culture, to preserve and administer them for public benefits; to accept, hold, and administer gifts, securities, grants, scholarships, endowments, private bequests or other property of whatsoever character for a comprehensive historical preservation and/or museum’s program.

This agency shall be the depository of all resources which are made available or offered of desirable land, historical collections, and donations made by groups and persons as gifts to the state to help insure the Hawaiian heritage.”

SECTION 2. Section 6-16.2, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 6-16.2 Powers and duties.** The Hawaii Foundation for History and the Humanities shall have the following powers and duties:

- (1) To have succession until dissolved by act of the Hawaii State Legislature, in which event title to the properties of the Hawaii Foundation, both real and personal, shall, insofar as consistent with existing contractual obligations and subject to all other legally enforceable claims or demands by or against the Hawaii Foundation, pass to and become vested in the State of Hawaii;
- (2) To sue or be sued in its corporate name;
- (3) To adopt, alter, and use a corporate seal;
- (4) To adopt a constitution and to make such bylaws, rules and regulations, not inconsistent with the laws of the State of Hawaii, as it deems necessary for the administration of its functions, including among other matter, bylaws, rules and regulations governing visitation to historic properties, museums and other facilities under its control, administration of corporate funds, and the organization and procedure of the board of trustees;
- (5) To accept, hold, and administer funds and properties from private or governmental agencies for the purposes for which the Hawaii Foundation is created and in accordance with such conditions as the transferring agency or the legislature may prescribe under the law;
- (6) To accept, hold, and administer gifts and bequests of money, securities, or other personal property of whatsoever character, in trust, for the purposes for which the Hawaii Foundation is created. Unless otherwise restricted by the terms of the bequest of gift, the Hawaii Foundation is authorized to sell, exchange, or otherwise dispose of, and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property given or bequeathed to it. The principal of such corporate funds, together with the income therefrom and all other revenues received by it

- from any source whatsoever, shall be placed in such depositories as the Hawaii Foundation shall determine and shall be subject to expenditure by the Hawaii Foundation for its corporate purposes;
- (7) To acquire by gifts, devise, purchase, and to hold in trust real property for the State and for the people of Hawaii unless otherwise restricted by the terms of the gift or devise, to encumber, convey, or otherwise dispose of any real property, or any estate or interest therein with the exception that no designated historic site or monument may be encumbered, conveyed, or disposed of without Legislative approval, as may be necessary and proper in carrying into effect the purposes of the Hawaii Foundation;
  - (8) To conduct research, studies and investigations in the fields of history and the humanities, and to make, publish, and distribute the results thereof;
  - (9) To coordinate and correlate activities and projects of the Hawaii Foundation with the work of the University of Hawaii, the department of land and natural resources, the foundation on culture and the arts and other state agencies to further the purposes of this chapter;
  - (10) To review the work of the department of land and natural resources and to collaborate with it on its functions under chapter 6, pertaining to historical objects and sites, and to review such surveys and historic preservation plans as may be required, and to approve properties for nomination to the National Register as provided for in the Historic Preservation Act of 1966, Public Law 89-665;
  - (11) To establish within the Hawaii Foundation, a review board for the Hawaii register of historic places, which meets the requirements of Public Law 89-665, to evaluate and nominate historical properties to the National Register of Historic Places pursuant to Public Law 89-665 and to order and enter historical and archeological sites into the Hawaii register of historical places on the basis of their value to Hawaii's heritage. The review board shall be appointed by the board of trustees of the Hawaii Foundation and no more than two members of the board of trustees shall be appointed to the review board. Trustee-members of the review board may be reimbursed at the same rate as other members of the review board for official duties performed while serving on the review board;
  - (12) To enter into contracts and to execute all instruments necessary and appropriate to carry out the purposes of the foundation;
  - (13) To designate particular places, as places of historic interest, and to take such action, including erection of a sign or marker, as may be appropriate for public recognition and appreciation of such site;
  - (14) To approve all designations of particular places as places of historical interest;
  - (15) To establish a center responsible for salvage research in areas designated by the department of land and natural resources as endangered by the lease, sale, or use of public or private lands under its jurisdiction; and

- (16) To establish and maintain an inventory, and certification and evaluation system for portable artifacts significant to Hawaii's cultural heritage."

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$200,000, or so much thereof as may be necessary, to be expended by the Board of Trustees of the Hawaii Foundation for History and the Humanities for the following purposes:

(a) \$150,000 for the fiscal biennium 1971-73, for operating expenses as well as to carry out the purposes set up in its establishing legislation; and

(b) \$50,000 for the purposes of this Act.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved June 21, 1971.)

## ACT 203

S. B. NO. 898

A Bill for an Act Relating to Public Welfare.

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

SECTION 1. Section 346-71, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 346-71 General assistance.** The department of social services and housing shall administer public assistance to those needy persons not otherwise provided for under this chapter, who for reasons satisfactory to the department are unable to provide sufficient support for themselves or those dependent upon them; provided that such persons shall have resided in the State for a period of at least one year immediately preceding their application for assistance under this section. The department shall require all physically fit persons, as a condition of receiving general assistance, to actively and diligently seek gainful employment, to take whatever steps may be reasonably necessary in order to obtain such employment, and to accept such employment when offered. The department shall, by rules and regulations adopted pursuant to chapter 91, establish criteria and standards by which it shall be determined whether an applicant has met the foregoing conditions and requirements. The department may further require all physically fit persons, as a condition to receiving general assistance, to register for work on public work projects and to accept such employment as may be offered to them. The term 'public work projects' includes any kind of labor under the department of accounting and general services of the State or the department of public works of any county, or under any other department, board, commission, or agency of the State or any county. All such agencies may employ persons registering under this section. The persons shall be employed on a per diem or hourly basis

\*Edited accordingly.

at reasonable rates of compensation without regard to chapter 77, but such work shall not be required beyond eight hours a day or five days a week, nor shall the earnings of any such person for any month exceed the amount determined by the department as the proper amount of general assistance. The earnings shall not be deemed compensation within the meaning of any state law, nor be subject to execution, garnishment, attachment, or any other process whatsoever, nor shall they be assignable. Except for the purposes of the workmen's compensation law, such persons shall not be deemed to be employees of the State or any county, nor shall the laws relating to civil service, classification, retirement, vacation, sick leave, and other matters relating to regular public employees be deemed to apply to such persons. Payment for the work shall not be made from the funds of the agency employing such persons but shall be made from the funds of the department. The department shall promulgate such rules and regulations as it deems necessary to enforce and carry out this section."

**SECTION 2. Severability.** If any provision of this Act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end, the provisions of this Act are severable.

**SECTION 3.** Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved June 21, 1971.)

**ACT 204**

S. B. NO. 1040

A Bill for an Act Relating to General Excise Taxation.

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

**SECTION 1.** Chapter 237, Hawaii Revised Statutes, is amended by adding a new section to be appropriately numbered and to read as follows:

**"Sec. 237- Exemption of certain shipbuilding and ship repair business.** There shall be exempted from, and excluded from the measure of, the taxes imposed by this chapter all of the gross proceeds arising from shipbuilding and ship repairs rendered to surface vessels federally owned or engaged in interstate or international trade."

**SECTION 2.** Section 237-4, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 237-4 'Wholesaler', 'jobber', defined.** 'Wholesaler' or 'jobber' applies only to a person making sales at wholesale. Only the following are sales at wholesale:

\* Edited accordingly.



- (1) Sales to a licensed retail merchant, jobber, or other licensed seller for purposes of resale;
- (2) Sales to a licensed manufacturer of material or commodities which are to be incorporated by the manufacturer into a finished or saleable product (including the container or package in which the product is contained) during the course of its preservation, manufacture, or processing, including preparation for market, and which will remain in such finished or saleable product in such form as to be perceptible to the senses, which finished or saleable product is to be sold and not otherwise used by the manufacturer; or
- (3) Sales to a licensed contractor, of material or commodities which are to be incorporated by the contractor into the finished work or project required by the contract and which will remain in such finished work or project in such form as to be perceptible to the senses; or
- (4) Sales to a licensed producer, or to a cooperative association described in section 237-23(10) for sale to such producer, or to a licensed person operating a feed lot, of poultry or animal feed, hatching eggs, semen, replacing stock, breeding services for the purpose of raising or producing animal or poultry products for disposition as described in section 237-5 or to be incorporated in a manufactured product as described in paragraph (2) 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 to be butchered or to a cooperative association described in section 237-23(10) 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 paragraph (4) shall not apply to the sale of feed for poultry or animals to be used for hauling, transportation, or sports purposes;
- (5) Sales to a licensed producer, or to a cooperative association described in section 237-23(10) for sale to the producer, of seed for producing agricultural products, or bait for catching fish (including the catching of bait for catching fish), which agricultural products or fish are to be disposed of as described in section 237-5 or to be incorporated in a manufactured product as described in paragraph (2) of this section; or;
- (6) Sales to a licensed producer, or to a cooperative association described in section 237-23(10) for sale to such producer; of cartons and such other containers, wrappers, and sacks, and binders to be used for packaging eggs, vegetables, fruits, and other agricultural products; of seedlings and cuttings for producing nursery plants; or of chick containers; which cartons and such other containers, wrappers, and sacks, binders, seedlings, cuttings, and containers are to be used as described in section 237-5, or to be incorporated in a manufactured product as described in paragraph (2) of this section.

- (7) Sales of tangible personal property to a licensed person engaged in the service business, provided that (1) said property is not consumed or incidental to the performance of the services; (2) there is a resale of said article at the retail rate of 4 per cent; and (3) the resale of said article is separately charged or billed by the person rendering the services.
- (8) Sales to a licensed leasing company which leases capital goods as a service to others. As used in this paragraph capital goods are goods which have a depreciable life of more than three years.

If the use tax law is finally held by a court of competent jurisdiction to be unconstitutional or invalid insofar as it purports to tax the use or consumption of tangible personal property imported into the State in interstate or foreign commerce or both, wholesalers and jobbers shall be taxed thereafter under this chapter in accordance with the following definition (which shall supersede the preceding paragraph otherwise defining 'wholesaler' or 'jobber'): 'Wholesaler' or 'jobber' means a person, or a definitely organized division thereof, definitely organized to render and rendering a general distribution service which buys and maintains at his or its place of business a stock or lines of merchandise which he or it distributes; and which, through salesmen, advertising, or sales promotion devices, sells to licensed retailers, to institutional or licensed commercial or industrial users, in wholesale quantities and at wholesale rates. A corporation deemed not to be carrying on a trade or business in this State under section 235-6 shall nevertheless be deemed to be a wholesaler and shall be subject to the tax imposed by this chapter."

SECTION 3. Section 237-6, Hawaii Revised Statutes is amended to read:

**"Sec. 237-6. 'Contractor', 'federal cost-plus contractor', defined.** 'Contractor' includes, for the purpose of this chapter:

- (1) Every person engaging in the business of contracting to erect, construct, repair or improve buildings or structures, of any kind or description, including any portion thereof, or to make any installation therein, or to make, construct, repair, or improve any highway, road, street, sidewalk, ditch, excavation, fill, bridge, shaft, well, culvert, sewer, water system, drainage system, dredging or harbor improvement project, electric or steam rail, lighting or power system, transmission line, tower, dock, wharf, or other improvements; and
- (2) Every person engaging in the practice of architecture, professional engineering, land surveying, and landscape architecture, as defined in section 464-1.

'Federal cost-plus contractor' means a contractor having a contract with the United States or an instrumentality thereof, where, by the terms of the contract, the United States or such instrumentality agrees to reimburse the contractor for the cost of material, plant, or equipment used in the performance of the contract and for taxes which the contractor may be required to pay with respect to such material, plant, or equipment, whether the contractor's profit is computed in the form of a fixed fee or on a percentage basis; and also means a subcontractor under such a contract, who also operates on a cost-plus basis."

SECTION 4. Chapter 237, Hawaii Revised Statutes, is amended by adding a new section to be appropriately numbered and to read as follows:

**“Sec. 237- Exemption of producers of motion picture or television films.** Persons producing motion picture or television films are exempted from taxation on, and there shall be excluded from the measure of all state taxes imposed on such persons for a period of five years from July 1, 1971:

- (1) The value of all materials imported in the State for incorporation into such production; and
- (2) The value of such production, unless sold in the State, provided film rentals, advertising revenues, gross proceeds of sales, and other receipts, derived from the business of and sales made by such persons in the State shall not be exempt and shall be included in the measure of the tax or taxes imposed on such persons.”

SECTION 5. Section 237-13, Hawaii Revised Statutes, is amended by adding a new paragraph to be designated as paragraph (9) and to read as follows:

“(9) Tax on receipts of sugar benefit payments. Upon the amounts received from the United States government by any producer of sugar (or his legal representative or heirs), as defined under and by virtue of the Sugar Act of 1948, as amended, or other Acts of the Congress of the United States relating thereto, there is hereby levied a tax of one-half of one percent of the gross amount received, provided that the tax levied hereunder on any amount so received and actually disbursed to another by such producer in the form of a benefit payment shall be paid by the person or persons to whom such amount is actually disbursed, and the said producer actually making any such benefit payment to another shall be entitled to claim on his return a deduction from the gross amount taxable hereunder in the sum of the amount so disbursed. The amounts taxed under this subsection shall not be taxable under any other subsection or section of this chapter.”

SECTION 6. Section 237-13, Hawaii Revised Statutes, is amended by renumbering the existing paragraph (9) as paragraph (10).

SECTION 7. Section 237-24, Hawaii Revised Statutes, is amended by repealing paragraph (15) and by renumbering paragraphs (16), (17), (18), (19), (20), and (21) to paragraphs (15), (16), (17), (18), (19), and (20), respectively.

SECTION 8. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 9. If any section, clause, phrase of this Act or its application to any person or circumstance is held to be unconstitutional or invalid,

\* Edited accordingly.

the remaining portions of this Act, or the application of this Act to other persons or circumstances, shall not be affected.

SECTION 10. This act shall take effect on January 1, 1972, except for Section 4 which shall take effect on July 1, 1971.

(Approved June 21, 1971.)

A Bill for an Act Relating to the Establishment of a State Farming Demonstration Project.

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

SECTION 1. The legislature finds that the tri-partite base of the Hawaiian economy—tourism, agriculture, and the military—must be developed to its best advantage and in the best interest of the people of the State. The legislature further finds that the agricultural industry of the State is the weakest vertex in this triangular base and must be strengthened in order to maintain a proper economic balance. Realizing it is always prudent to attempt to diversify the sources of income such that the failure of one area of production will not endanger the whole industry, the legislature finds that the condition of Hawaiian agriculture today, with its domination by two crops, sugar and pineapple, must be remedied. The legislature further recognizes the State's insular and isolated geographic position which requires the importation of many agricultural commodities, as well as feed and other agricultural supplies for the proper production of livestock and plant products. Ultimately, these importation costs affect the consumer through high food prices in locally grown foods making it impossible for local farm products to compete equitably with imported products. The legislature further recognizes that it is within their scope and responsibility to encourage diversification in crop production, innovation in production techniques, and other improvements and innovation to stimulate the industry.

The purpose of this Act is to effect practical research in the area of crop diversification and to explore new areas of crop development, thereby strengthening the agricultural base of the industry as well as creating further marketing areas for Hawaiian agriculture.

SECTION 2. Section 153-1, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 153-1. Definitions.** Whenever used in this chapter, unless the context otherwise requires:

- (1) ‘Board’ means the board of agriculture of the department of agriculture.
- (2) ‘Qualified agriculturalist’ means a person, or association of persons, actively engaged in a farm, agricultural produce processing, or agricultural product development activity.
- (3) ‘Committee’ means the advisory committee on agricultural products.”

SECTION 3. Section 153-3, Hawaii Revised Statutes, is hereby amended to read as follows:

**“Sec. 153-3. Hawaii agricultural products revolving fund.** There is hereby established the Hawaii agricultural products revolving fund into which shall be deposited all monies received as repayment of allowances and proceeds payments as provided for in this chapter. The revolving fund may be expended by the board of agriculture for the purposes of this chapter.”

SECTION 4. Section 153-4, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 153-4. Rules and regulations.** The board shall have the necessary powers to carry out the purposes of this chapter, including the following:

- (1) To receive, examine, and determine the acceptability of applications by qualified agriculturalists for allowances or grants to be limited to the development of new crops and agricultural products creating further marketing areas for Hawaiian agriculture.
- (2) To establish preferences in determining qualifications for allowances.
- (3) To make grants or allowances to a qualified agriculturalist based on the estimated costs of production of a new agricultural products enterprise.
- (4) To establish conditions, consistent with the purposes of this chapter, to the grant or to the continuance of a grant or an allowance.
- (5) To inspect, at reasonable hours, an agricultural products enterprise.
- (6) To require the submission of progress reports and final reports of agricultural products enterprises and to specify the information to be included in the reports.
- (7) To enter into or make any plan, agreement, or other arrangement for any grant or allowance monies as is necessary to carry out the purposes of this chapter.
- (8) To participate under a joint venture agreement or arrangement with any qualified agriculturalist in the proceeds derived from the sale of any development crop or product.
- (9) To reserve to the board for the purpose of repayment of an allowance a first priority after tax liens with respect to any capital gain resulting from the sale or other transfer of an agricultural products enterprise.
- (10) To administer the Hawaii agricultural products revolving fund and to deposit into the fund all monies received as repayment of allowances and proceeds payments.
- (11) To include in its budget for subsequent fiscal periods amounts necessary to effectuate the purposes of this chapter.
- (12) To adopt rules and regulations pursuant to chapter 91 with respect to the administration of all disbursements of funds under this chapter.”

SECTION 5. Chapter 153, Hawaii Revised Statutes, is hereby amended by adding a new section to be appropriately designated and to read as follows:

**“Sec. 153 . Advisory committee on agricultural products.** There is established within the department of agriculture for administrative purposes the advisory committee on agricultural products consisting of six members, the chairman of the board of agriculture or his designated representative, the director of planning and economic development or his designated representative,

and the dean of the college of tropical agriculture or his designated representative, all of whom shall serve as ex officio voting members, and the remaining three members from the agricultural industry appointed by the governor as provided in section 26-34. The member from the department of agriculture shall be the chairman of the committee.

The department of agriculture shall recommend persons to be appointed by the governor as members of the advisory committee and shall take into consideration the wishes and advice of the members of the agricultural industry.

All members of the advisory committee shall serve without pay but shall be entitled to reimbursement for necessary expenses while attending meetings and while in the discharge of duties and responsibilities.

The duties of the advisory committee shall include consultation with the department on all matters pertaining to agricultural development crops and products as provided by this chapter.”

SECTION 6. Section 153-5, Hawaii Revised Statutes, is hereby amended to read as follows:

“**Sec. 153-5. Appropriation.** There is hereby appropriated all allowance repayments and proceeds payments deposited in the Hawaii agricultural products revolving fund to be expended by the board of agriculture for the purposes of this chapter.”

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000, or so much thereof as may be necessary, to the agricultural products program revolving fund, for the purposes of this Act.

SECTION 8. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 9. This Act shall take effect upon its approval.

(Approved June 21, 1971.)

A Bill for an Act Establishing a Revolving Fund for the Community College and Hilo Campus Bookstores.

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

SECTION 1. There is established a revolving fund for the community college and Hilo campus bookstores from which is paid the cost of goods or services rendered or furnished to the bookstores and which is replenished through charges made for goods and services or through transfers from other accounts or funds.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$285,000, or so much thereof as may be

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\* Edited accordingly.

necessary, to be deposited in the revolving fund for community college and Hilo campus bookstores.

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

(Approved June 21, 1971.)

## ACT 207

H. B. NO. 637

A Bill for an Act Relating to Discovery of Proceedings and Records of Review Committees of Medical Societies and Hospitals.

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

SECTION 1. Chapter 625, Hawaii Revised Statutes, is amended by adding a new section to Part II to be appropriately designated and to read as follows:

**"Sec. 625- Proceedings and records of medical peer review committees and hospitals.** Neither the proceedings nor the records of peer review committees of medical staffs in hospitals having the responsibility of evaluation and improvement of the quality of care rendered in the hospital or peer review committees of local medical societies shall be subject to discovery. Except as hereinafter provided, no person in attendance at a meeting of any such committee shall be required to testify as to what transpired at such meeting. The prohibition relating to discovery or testimony shall not apply to the statements made by any person in attendance at such a meeting who is a party to an action or proceeding the subject matter of which was reviewed at such meeting, or to any person requesting hospital staff privileges, or in any action against an insurance carrier alleging bad faith by the carrier in refusing to accept a settlement offer within the policy limits.

The prohibitions contained in this section shall not apply to medical society committees that exceed ten per cent of the membership of the society, nor to any such committee if any person serves upon the committee when his own conduct or practice is being reviewed.

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved June 21, 1971.)

## ACT 208

H. B. NO. 1372

A Bill for an Act to Amend Chapter 70, HRS, Relating to the General Provisions Concerning the City and County of Honolulu by Repealing Section 70-1 Thereof.

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

\* Edited accordingly.

**ACT 209**

SECTION 1. Chapter 70, HRS, is hereby amended by repealing Section 70-1 thereof relating to the geographical limits of the City and County of Honolulu for statistical purposes.

SECTION 2. This Act shall take effect upon its approval.  
(Approved June 21, 1971.)

**ACT 209**

S. B. NO. 277

A Bill for an Act Relating to Nonresident Insurance Agent or Broker.  
*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 431-385(a), Hawaii Revised Statutes is hereby amended to read as follows:

“(a) The insurance commissioner may license as a nonresident agent or broker for all classes of insurance, an individual who is otherwise qualified therefor under this chapter but who is not a resident of or domiciled in this State, if by the laws of the state or province of his residence or domicile a similar privilege is extended to residents of this State.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.  
(Approved June 21, 1971.)

**ACT 210**

S. B. NO. 1099

A Bill for an Act Relating to New Programs and Making Supplementary Appropriations Therefor.

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

SECTION 1. Chapter 187, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**Sec. 187- Shark Control Revolving Fund.** There is established a shark control revolving fund to be administered by the department of land and natural resources. Monies in the revolving fund shall be expended for shark control and research activities in the State of Hawaii. The department is authorized to dispose of sharks caught in the conduct of its shark control and research activities through sale and may enter into an agreement or contract to sell, without public bid or auction, all or any part of its catches of sharks to any person on a continuing basis not to exceed one year. All monies received from the sale of sharks (or parts thereof) shall be deposited in the shark control revolving fund.”

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the following sums, or so much thereof as may be necessary,

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\* Edited accordingly.



for the following purposes, and which sums shall be supplementary to any appropriations made by this legislature for the fiscal biennium beginning July 1, 1971, and ending June 30, 1973:

	FY 1971-1972	FY 1972-1973
<b>ECOLOGY, Environment and Recreation</b>		
Study of Surf Parameters (to be expended by the University of Hawaii)	40,000	40,000
Shark Control Revolving Fund (to be expended by the Department of Land and Natural Resources)	50,000	—
Quality of Coastal Waters (to be expended by the University of Hawaii)	92,089	95,856
<b>ECONOMIC DEVELOPMENT</b>		
Aerial Spotting of Skipjack Tuna Schools (to be expended by the Department of Land and Natural Resources)	13,250	13,250
<b>HEALTH</b>		
Purchase of Mental Health Services (to be expended by the Department of Health)	100,000	100,000
Waipahu Mental Health Clinic (to be expended by the Department of Health)	34,799	34,799
Waimanalo Comprehensive Neighborhood Health Services Program (to be expended by the Department of Health)	34,000	—
<b>HUMAN RESOURCES</b>		
Pre-employment Preparation of AFDC Mothers (to be expended by the Department of Social Services and Housing)	34,425	—
Hawaii State Senior Center (to be expended by the Department of Budget and Finance)	39,083	39,083
Services for the Elderly--Hawaii, Maui, and Kauai (to be expended by the Department of Social Services and Housing)	75,000	—
<b>EDUCATION</b>		
Center for Cross-Culture Training and Research (to be expended by the University of Hawaii; provided that the appropriation made herein shall be used exclusively for salaries of no more than thirty positions incumbents of which shall have been on the staff of the Center as of August 31, 1971, except that not more than \$16,020 may be used for other current expenses and that any balance remaining shall lapse on June 30, 1972.)	246,213	—
SECTION 3. The sums appropriated in Section 2 for each program, project or activity shall be expended by the designated department or agency for the purposes of this Act.		
SECTION 4. The following sums, or so much thereof as may be sufficient, are hereby authorized to be expended from the Highway Special Fund for the following purpose and which sum shall be supplementary to any authorization made by the legislature for the fiscal biennium beginning July 1, 1971 and ending June 30, 1973:		
<b>TRANSPORTATION</b>		
For maintenance and operations of State Highways (to be expended by the Department of Transportation)	640,884	640,885

## ACT 211

SECTION 5. Under the provisions of Section 76-23, Hawaii Revised Statutes, the employees of the Center for Cross-Cultural Training and Research who have at least three years of service with the Center or the University Peace Corps program shall be placed on the civil service re-employment list upon the request of the employee and certification of the State Director of Personnel Service that employee meets the minimum qualification for the position.

SECTION 6. If any subsection, paragraph, sentence, clause or appropriation contained in this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act.

SECTION 7. This Act, upon its approval, shall take effect on July 1, 1971.

(Approved June 21, 1971.)

## ACT 211

H. B. NO. 56

A Bill for an Act Relating to Witness Immunity.

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

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

### **“CHAPTER WITNESS IMMUNITY**

**Sec. -1. Immunity generally.** (a) A witness who asserts his privilege against self-incrimination before a court or grand jury may be directed to testify or produce other information as provided in this chapter. He shall not thereafter be excused from testifying or producing other information on the ground that his testimony or other information required of him may tend to incriminate him, but he shall not be prosecuted or punished in any criminal action or proceeding for or on account of any act, transaction, matter, or thing concerning which he is so directed to testify or produce other information, except that he may be prosecuted for perjury or any other offense constituting a failure to comply with such direction.

(b) A direction to testify or produce other information authorized by this chapter may be issued prior to the witness's assertion of his privilege against self-incrimination; but the direction shall not be effective until the witness asserts his privilege against self-incrimination and the person presiding over the inquiry communicates the direction to him.

(c) As used in this chapter “other information” includes any book, paper, document, record, recordation, tangible object or other material.

**Sec. -2. Procedure.** The direction to the witness to testify or produce other information shall be issued by the court upon application therefor by the state. The application may be made whenever, in the judgment of the state, the witness has asserted or is likely to assert his privilege against self-

incrimination and his testimony or other information is or will be necessary to the public interest.

**Sec. -3. Penalty.** Any witness granted immunity hereunder who fails or refuses to testify or produce other information shall be punished by the court for contempt.

SECTION 2. Sections 431-52, 728-8, 746-15, 746-17 of the Hawaii Revised Statutes are repealed.

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

(Became law June 22, 1971 without Governor's signature pursuant to State Constitution, Art. III, §17.)

## ACT 212

H. B. NO. 124

A Bill for an Act Relating to Public Officers and Employees.

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

SECTION 1. Amend Section 76-101 of the Hawaii Revised Statutes, as amended, by adding the following subsection (10) after subsection (9):

“(10) Elected officers of duly recognized employee organizations and employee representatives or shop stewards designated by an employee organization shall have a reasonable amount of time off during working hours to carry out the duties of their office, as determined by the employer, without loss of pay or benefits.”

SECTION 2. Amend Section 89-8 of the Hawaii Revised Statutes to read as follows:

**“Sec. 89-8 Recognition and representation; employee participation.** (a) The employee organization which has been certified by the board as representing the majority of employees in an appropriate bargaining unit shall be the exclusive representative of all employees in the unit. As exclusive representative, it shall have the right to act for and negotiate agreements covering all employees in the unit and shall be responsible for representing the interests of all such employees without discrimination and without regard to employee organization membership.

(b) An individual employee may present a grievance at any time to his employer and have the grievance heard without intervention of an employee organization; provided that the exclusive representative is afforded the opportunity to be present at such conferences and that any adjustment made shall not be inconsistent with the terms of an agreement then in effect between the employer and the exclusive representative.

(c) Employee participation in the collective bargaining process conducted by the exclusive representative of the appropriate bargaining unit shall be permitted during regular working hours without loss of regular salary or wages. The number of participants from each bargaining unit with over 2,500 members shall be limited to one member for each five hundred members of the bargaining unit. For bargaining units with less than 2,500 members, there shall be at least five participants, one of whom shall reside in each county;

**ACT 213**

provided that there need not be a participant residing in each county for the bargaining unit established by Section 89-6(a) (8). The bargaining unit shall select the participants from representative departments, divisions or sections to minimize interference with the normal operations and service of the departments, division or sections.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Became law June 22, 1971 without Governor's signature pursuant to State Constitution, Art. III, §17.)

**ACT 213**

**H. B. NO. 1034**

A Bill for an Act Relating to Excluded Service under the Hawaii Employment Security Law.

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

SECTION 1. The purpose of the Act is to exclude service performed by a real estate salesman as a salesman for a real estate broker from the definition of “Employment” in the Hawaii Employment Security Law.

SECTION 2. Section 383-7 of the Hawaii Revised Statutes, is amended by adding a new subparagraph designated “(17)” to read as follows:

“(17)” Service performed by an individual for an employing unit as a real estate salesman, if all such service performed by such individual for such employment unit is performed for remuneration solely by way of commission.”

SECTION 3. This Act shall take effect on July 1, 1971.

(Became law June 22, 1971 without Governor's signature pursuant to State Constitution, Art. III, §17.)

**ACT 214**

**H. B. NO. 1558**

A Bill for an Act Relating to Criminal Proceedings.

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

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
SECURING ATTENDANCE OF WITNESS BY MATERIAL  
WITNESS ORDER.**

**Sec. -1. Material witness order; defined.** A material witness order is a court order (a) adjudging a person a material witness in a pending criminal

\* Edited accordingly.

action and (b) fixing bail to secure his future attendance thereat.

**Sec. -2. Material witness order; when authorized; by what courts issuable; duration thereof.**

1. A material witness order may be issued upon the ground that there is a reasonable cause to believe that a person whom the people or the defendant desire to call as a witness in a pending criminal action:

- a) Possesses information material to the determination of such action; and
- b) Will not be amenable or responsive to a subpoena at a time when his attendance will be sought.

2. A material witness order may be issued only when:

- a) An indictment or information has been filed in a circuit court and is currently pending therein; or
- b) A grand jury has been filed with a district court and is currently pending; or
- c) A felony complaint has been filed with a district court and is currently pending therein.

3. The following courts may issue material witness orders under the indicated circumstances:

- a) When an indictment has been filed, an information filed, or a grand jury proceeding has been commenced, or a defendant has been held by a district court for the action of a grand jury, a material witness order may be issued only by the circuit court in which such indictment is pending or by which such grand jury has been or will be impaneled;
- b) When a felony complaint is currently pending in a district court, a material witness order may be issued either by said court or by the circuit court which would have jurisdiction of the case upon indictment by the grand jury.

4. Unless vacated pursuant to section -6, a material witness order remains in effect during the following periods of time under the indicated circumstances:

- a) An order issued by a circuit court under the circumstances prescribed in paragraph (a) of subsection 3 remains in effect during the pendency of the criminal action in such circuit court;
- b) An order issued by a district court under circumstances prescribed in paragraph (b) of subsection 3, remains in effect (i) until the disposition of the felony complaint pending in such court, and (ii) if the defendant is held for the action of the grand jury, during the pendency of the grand jury proceeding, and (iii) if an indictment results, for a period of ten days following the filing of such indictment, and (iv) if within such ten day period such order is endorsed by the circuit court in which the indictment is pending, during the pendency of the action in such circuit court. Upon such endorsement, the order is deemed to be that of the circuit court.

**Sec. -3. Material witness order; commencement of proceeding by application; procurement of appearance of prospective witness.**

1. A proceeding to adjudge a person a material witness must be com-

menced by application to the appropriate court, made in writing and subscribed and sworn to by the applicant, demonstrating reasonable cause to believe the existence of facts, as specified in subdivision one of section -2, warranting the adjudication of such person as a material witness.

2. If the court is satisfied that the application is well founded, the prospective witness may be compelled to appear in response thereto as follows:

a) The court may issue an order directing him to appear therein at a designated time in order that a determination may be made whether he should be adjudged a material witness and, upon personal service of such order or a copy thereof within the state, he must so appear.

b) If in addition to the allegations specified in subdivision one, the application contains further allegations demonstrating to the satisfaction of the court reasonable cause to believe that (i) the witness would be unlikely to respond to such an order, or (ii) after previously having been served with such an order, he did not respond thereto, the court may issue a warrant addressed to a police officer, directing such officer to take such prospective witness into court within the state and to bring him before the court forthwith in order that a proceeding may be conducted to determine whether he is to be adjudged a material witness.

**Sec. -4. Material witness order; arraignment.**

1. When the prospective witness appears before the court, the court must inform him of the nature and purpose of the proceeding, and that he is entitled to a prompt hearing upon the issue of whether he should be adjudged a material witness. The prospective witness possesses all the rights, and is entitled to all the court instructions, with respect to right to counsel, opportunity to obtain counsel and assignment of counsel in case of financial inability to retain such, which, pursuant to Rule 5(d)(1), Hawaii Rules of Criminal Procedure, accrue to a defendant arraigned upon a felony complaint in the district court.

2. If the proceeding is adjourned at the prospective witness' instance, for the purpose of obtaining counsel or otherwise, the court must order him to appear upon the adjourned date. The court may further fix bail to secure his appearance upon such date or until the proceeding is completed and, upon default thereof, may commit him to the custody of the chief of police for such period.

**Section -5. Material witness order; hearing, determination and execution of order.**

1. The hearing upon the application must be conducted as follows:

a) The applicant has the burden of proving by a preponderance of the evidence of all facts essential to support a material witness order, and any testimony so adduced shall be given under oath;

b) The prospective witness shall testify under oath;

c) The prospective witness may call witnesses in his behalf, and the court must cause process to be issued for any such witness whom he reasonably wished to call, and any testimony so adduced shall be given under oath;

d) Upon the hearing, evidence tending to demonstrate that the prospective witness does or does not possess information material to the

criminal action in issue, or that he will or will not be amenable or respond to a subpoena at the time his attendance will be sought, is admissible even though it consists of hearsay.

2. If the court is satisfied after such hearing that there is reasonable cause to believe that the prospective witness (a) possesses information material to the pending action or proceeding, and (b) will not be amenable or respond to a subpoena at a time when his attendance will be sought, it may issue a material witness order, adjudging him a material witness and fixing bail to secure his future attendance.

3. A material witness order must be executed as follows:

- a) If the bail is posted and approved by the court, the witness must be released and be permitted to remain at liberty; provided that, where the bail is posted by a person other than the witness himself, he may not be so released except upon his signed written consent thereto;
- b) If the bail is not posted, or if though posted it is not approved by the court, the witness must be committed to the custody of the chief of police.

**Sec. -6. Material witness order; vacation, modification and amendment thereof.**

1. At any time after a material witness order has been issued the court must, upon application of such witness, with notice to the party upon whose application the order was issued, and with opportunity to be heard, make inquiry whether by reason of new or changed facts or circumstances the material witness order is no longer necessary or warranted, or, if it is, whether the original bail currently appears excessive. Upon making any such determination, the court must vacate the order. If its determination is that the order is no longer necessary or warranted, it must, as the situation requires, either discharge the witness from custody or exonerate the bail. If its determination is that the bail is excessive, it must issue a new order fixing bail in a lesser amount or on less burdensome terms.

2. At any time when a witness is at liberty upon bail pursuant to a material witness order, the court may, upon application of the party upon whose application the order was issued, with notice to the witness if possible and to his attorney if any and opportunity to be heard, make inquiry whether, by reason of new or changed facts or circumstances, the original bail is no longer sufficient to secure the future attendance of the witness at the pending action. Upon making such a determination, the court must vacate the order and issue a new order fixing bail in a greater amount or on terms more likely to secure the future attendance of the witness.

**Sec. -7. Material witness order; compelling attendance of witness who fails to appear.** If a witness at liberty on bail pursuant to a material witness order cannot be found or notified at the time his appearance as a witness is required, or if after notification he fails to appear in such action or proceeding as required, the court may issue a warrant, addressed to a police officer, directing such officer to take such witness into custody anywhere within the state and to bring him to the court forthwith.

**Sec. -8. Material witness order; witness fee.** A witness held in the

## ACT 215

custody of the chief of police as a result of a material witness order must be paid the sum of twenty dollars per day for each day of confinement in such custody. Such compensation is a county charge and is payable upon release of such material witness from custody or, in the discretion of the court, at any designated times or intervals during the confinement as the court may deem appropriate.

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

(Became law June 22, 1971 without Governor's signature pursuant to State Constitution, Art. III, §17.)

ACT 215

S. B. NO. 392

A Bill for an Act Relating to the Issuance of General Obligation Bonds of the State to Finance the Acquisition of Development Tracts by the Hawaii Housing Authority.

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

SECTION 1. The purpose of this Act is to provide a means of financing the acquisition of development tracts by the Hawaii housing authority pursuant to chapter 516, part II, Hawaii Revised Statutes.

SECTION 2. The director of finance is authorized to issue general obligation bonds of the State in the amount of \$5,000,000, for the purpose of acquisition by the Hawaii housing authority of development tracts pursuant to chapter 516, part II, Hawaii Revised Statutes. Pending the receipt of funds from the issuance and sale of general obligation bonds, amounts required within the limits of authorization may be advanced to the Hawaii housing authority from the general fund of the State. Upon the receipt of the bond funds, the general fund shall be reimbursed the amount advanced.

SECTION 3. Section 516-44, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 516-44 Fee simple residential revolving fund.** A fee simple residential revolving fund is hereby created. The funds appropriated for the purposes of this chapter and all moneys received or collected by the Hawaii housing authority under this chapter shall be deposited in the revolving fund. The proceeds in the funds shall first be used to pay the principal and interest on bonds or other indebtedness issued by the authority, or by the State, and then for necessary expenses of the authority in administering this part."

SECTION 4. Part II of chapter 516, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"Sec. 516- General obligation bonds.** The director of finance may, from time to time, issue general obligation bonds in such amounts as may be authorized by the legislature, for the purpose of acquisition by the Hawaii housing authority of development tracts pursuant to chapter 516, part II. The principal and interest of general obligation bonds issued pursuant to this



section shall be reimbursed to the general fund from the fee simple residential revolving fund as provided in section 516-44. Pending the receipt of funds from the issuance and sale of general obligation bonds, amounts required within the limits of legislative authorization may be advanced to the Hawaii housing authority from the general fund of the State. Upon the receipt of the bond funds, the general fund shall be reimbursed the amount advanced.”

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Became law June 22, 1971 without Governor's signature pursuant to State Constitution, Art. III, §17.)

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\* Edited accordingly.

## PROPOSED CONSTITUTIONAL AMENDMENT

S. B. NO. 41

A Bill for an Act Proposing an Amendment to Article II, Section 1, of the Constitution of the State of Hawaii to Change the Age Qualification for Voting.

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

SECTION 1. The purpose of this Act is to propose an amendment to Article II, section 1, of the Constitution of the State of Hawaii to lower the age qualification for voting from twenty to eighteen.

SECTION 2. Article II, Section 1, of the Constitution of the State of Hawaii is amended to read as follows:

“**Section 1.** Every citizen of the United States who shall have attained the age of eighteen years, have been a resident of this State not less than one year next preceding the election and be a voter registered in accordance with law, shall be qualified to vote in any state or local election.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 4. This amendment shall take effect upon compliance with Article XV, section 3, of the Constitution of the State of Hawaii.

(Passed final reading in the Senate on February 23, 1971, and in the House of Representatives on March 10, 1971.)

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\* Edited accordingly.

**TABLES SHOWING EFFECT  
OF ACTS**

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**GENERAL INDEX**

TABLES SHOWING EFFECT OF ACTS  
SIXTH LEGISLATURE, REGULAR SESSION OF 1971  
STATE OF HAWAII

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