

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

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**REGULAR SESSION**  
**1979**

Convened on Wednesday, January 17

and

Adjourned sine die on Friday, April 20

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Published by Authority of the  
Revisor of Statutes  
Honolulu, Hawaii

## **AUTHORITY**

**Section 23G-13, 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 of statutes 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 of the Regular Session of 1979. In the preparation of the volume, the text of the laws as enacted has been followed except for palpable clerical errors, which have been corrected; and the text has been printed in full except for laws amending existing statutes.

As enacted, amendatory legislation contained brackets (designating matter deleted from existing statutes) or underscoring (designating new matter added). As authorized by HRS §23G-16.5 and for purposes of economy and readability, the brackets, bracketed material, and underscoring have generally been omitted from the laws as printed herein. They have been retained only in cases where the retention was deemed to be particularly desirable. Notes indicate the laws that have been edited.

HIDEHIKO UYENOYAMA  
Revisor of Statutes

Honolulu, Hawaii  
June 28, 1979

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House of Representatives:

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STATE EXECUTIVE OFFICERS

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Lieutenant Governor ..... Jean S. King

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REGULAR SESSION  
1979  
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**Session Laws of Hawaii**  
**Passed By The**  
**Tenth State Legislature**  
**Regular Session**  
**1979**

**ACT 1**

**H.B. NO. 11**

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

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

SECTION 1. There is hereby appropriated from the general revenues of the State the sum of \$1,660,740 or so much thereof as may be necessary, for defraying any and all session and non-session expenses of the Senate up to and including June 30, 1980, including but not limited to the 1979 regular session, Tenth State Legislature of the State of Hawaii, and pre-session expenses and the expenses of any committee or committees established during the interim between the 1979 and 1980 regular sessions.

SECTION 2. There is hereby appropriated from the general revenues of the State the sum of \$2,148,293 or so much thereof as may be necessary, for defraying any and all session and non-session expenses of the House of Representatives up to and including June 30, 1980, including but not limited to the 1979 regular session, Tenth State Legislature of the State of Hawaii, and pre-session expenses and the expenses of any committee or committees established during the interim between the 1979 and 1980 regular sessions.

SECTION 3. Payment of expenses of the Senate during the interim between the 1979 and 1980 regular sessions shall be made only with the approval of the President of the Senate, and payment of expenses of the House of Representatives during the interim between the 1979 and 1980 regular sessions shall be made only with the approval of the Speaker of the House of Representatives.

SECTION 4. Before January 16, 1980, 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 Representatives of the Legislature convening on January 16, 1980.

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 other-

## ACT 2

wise 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.

SECTION 6. There is hereby appropriated from the general revenues of the State the sum of \$1,226,220 to the office of the legislative auditor for the following expenses: (a) the sum of \$980,270 or so much thereof as may be necessary, for defraying the expenses of the office of the legislative auditor during the fiscal year 1979-80, (b) the sum of \$95,950 or so much thereof as may be necessary, for defraying the expenses of the office of the state ethics commission during the fiscal year 1979-80, provided no part of this appropriation shall be used for any increase in compensation to the executive director of the commission and his professional staff; (c) the sum of \$150,000 or so much thereof as may be necessary, to be expended upon approval of this Act, for (1) performing special studies, (2) improving capabilities for planning, programming and budgeting, (3) fulfilling other special requests made of the legislative auditor by the Legislature or jointly by the President of the Senate and the Speaker of the House of Representatives, (4) interim legislative studies and for contractual services for such studies, (5) 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.

SECTION 7. There is hereby appropriated from the general revenues of the State the sum of \$1,215,201 or so much thereof as may be necessary, to the legislative reference bureau for defraying the expenses of the bureau during the fiscal year 1979-80 including equipment relating to computer systems programming and operations for the purpose of improving the efficiency of legislative operations including, but not limited to, bill drafting, statutory and information retrieval, status of legislative actions, and reproductions of legislative material.

SECTION 8. There is hereby appropriated from the general revenues of the State the sum of \$286,460 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 1979-80.

SECTION 9. As of the close of business on June 30, 1980, the unexpended or unencumbered balance of any appropriation made by this Act shall lapse into the general fund.

SECTION 10. Each section of this Act is hereby declared to be severable from the remainder of this Act.

SECTION 11. This Act shall take effect upon its approval.

(Approved February 14, 1979.)

ACT 2

H.B. NO. 340

A Bill for an Act Relating to Facilities for the Elderly.

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

SECTION 1. The Legislature finds a need to protect the rights and interests of elderly persons living in multi-unit residential buildings (facilities), the construction

and operation of which are usually financed under a lease arrangement where the buyer makes advance payment for an estate for a life tenancy in a living unit and continuing payments to cover all operation and maintenance costs. This method of financing gives the buyer a property interest in his living unit.

The Legislature finds it necessary as a means of protecting the rights and interests of elderly residents in these facilities to provide residents of a facility with membership on an advisory body that is responsible for advising management in the operation of the facility, by submitting its opinions to the governing body of the facility.

The Legislature further finds that such multi-unit residential buildings fill a very real and present need in the State of Hawaii.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

## **“CHAPTER FACILITIES FOR THE ELDERLY**

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

- (1) “Facility” means a multi-unit residential building, including all operations associated therewith, used for retirement purposes in which living units are leased for a term to last for the lifetime of the lessee and the lessee’s surviving spouse, where the living unit is used as a residence by the lessee and the lessee’s surviving spouse, and where the living unit reverts back to the lessor upon the death of the lessee and the lessee’s surviving spouse.
- (2) “Lessee” means the person or persons leasing a living unit in a facility.

**Sec. -2 Facility advisory body.** The board of directors or other governing body of each facility shall create an advisory body composed of residents of the State of Hawaii, and at least two members, or twenty-five percent, whichever is greater, shall be lessees of the facility. At least one lessee member of the facility shall be a member of any committee or subcommittee of the advisory body.

The governing body of the facility shall organize the advisory body and shall appoint the facility lessee members from a list submitted by the lessees of the facility, comprised of at least two names for every position available for lessee members on the advisory body. The advisory body shall thereafter organize itself and shall make rules and bylaws as may be necessary for it to function, provided the rules and bylaws are consistent with the directives of the facility governing body.

The advisory body shall submit recommendations concerning the operation and management of the facility in writing to the facility governing body for its consideration.”

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

(Approved April 10, 1979.)

A Bill for an Act Relating to the Hawaii Penal Code.

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

SECTION 1. Section 704-404, Hawaii Revised Statutes, is amended by amending subsection (2) to read:

“(2) Upon suspension of further proceedings in the prosecution, the court shall appoint three qualified examiners to examine and report upon the physical and mental condition of the defendant. In each case the court shall appoint at least one psychiatrist and at least one certified clinical psychologist. The third member may be either a psychiatrist, certified clinical psychologist or qualified physician. One of the three shall be a psychiatrist or certified clinical psychologist designated by the director of health from within the department of health. The court may order the defendant to be committed to a hospital or other suitable facility for the purpose of the examination for a period not exceeding thirty days, or such longer period as the court determines to be necessary for the purpose, and may direct that one or more qualified physicians retained by the defendant be permitted to witness and participate in the examination.”

SECTION 2. Section 704-411, Hawaii Revised Statutes, is amended by amending subsection (3) to read:

“(3) When ordering such a hearing the court shall appoint three qualified examiners to examine and report upon the physical and mental condition of the defendant. In each case the court shall appoint at least one psychiatrist and at least one certified clinical psychologist. The third member may be either a psychiatrist, certified clinical psychologist or a qualified physician. One of the three shall be a psychiatrist or certified clinical psychologist designated by the director of health from within the department of health. To facilitate such examination and the proceedings thereon, the court may cause the defendant, if not then so confined, to be committed to a hospital or other suitable facility for the purpose of examination and may direct that qualified physicians retained by the defendant be permitted to witness and participate in the examination. The examination and report and the compensation of persons making or assisting in the examination shall be in accord with section 704-404(3), (4)(a) and (b), (6), (7), (8) and (9).”

SECTION 3. Section 704-414, Hawaii Revised Statutes, is amended to read:

“**Sec. 704-414 Procedure upon application for discharge, conditional release, or modification of conditions of release.** Upon filing of an application pursuant to section 704-412 for discharge or conditional release, or upon the filing of an application pursuant to section 704-413 for discharge or for modification of conditions of release, the court shall appoint three qualified examiners to examine and report upon the physical and mental condition of the defendant. In each case the court shall appoint at least one psychiatrist and at least one certified clinical psychologist. The third member may be either a psychiatrist, certified clinical psychologist or qualified physician. One of the three shall be a psychiatrist or certified clinical psychologist designated by the director of health from within the department of health. To facilitate such examination and the proceedings thereon, the court may

cause such person, if not then so confined, to be committed to a hospital or other suitable facility for the purpose of the examination and may direct that qualified physicians retained by the person be permitted to witness and participate in the examination. The examination and report and the compensation of persons making or assisting in the examination shall be in accord with section 704-404(3), (4)(a) and (b), (6), (7), (8) and (9).”

SECTION 4. Section 706-603, Hawaii Revised Statutes, is amended to read:

“**Sec. 706-603 Pre-sentence psychiatric and medical examination.** Before suspending or imposing sentence, the court may order a defendant who has been convicted of a felony or misdemeanor to submit to mental and other medical observation and examination for a period not exceeding sixty days or such longer period, not to exceed the length of permissible imprisonment, as the court determines to be necessary for the purpose. The defendant may be remanded for this purpose to any available clinic or hospital and, in addition thereto or in the alternative, the court may appoint one or more qualified psychiatrists, physicians, or certified clinical psychologists to make the examination. If a single examiner is appointed, he shall be a qualified psychiatrist or certified clinical psychologist. If a three member panel is appointed one shall be a psychiatrist and one shall be a certified clinical psychologist. The third member may be either a psychiatrist, certified clinical psychologist or qualified physician. One of the three shall be a psychiatrist or certified clinical psychologist designated by the director of health from within the department of health. The report of the examination shall be submitted to the court.”

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved April 10, 1979.)

## ACT 4

H.B. NO. 165

A Bill for an Act Relating to Liquor License.

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

SECTION 1. Section 281-39, Hawaii Revised Statutes, is amended to read:

“**Sec. 281-39 Place of business; exception; solicitors’ and representatives’ permits.** A license issued under this chapter shall authorize the doing of the business licensed only at the place described in the license, which shall be known as the licensed premises, except in case of a removal with the prior written consent of the liquor commission endorsed on the license[.], or outside warehousing which may be located off the licensed premises with prior written consent of the liquor commission. No change of premises under any issued license shall be allowed unless the doing of business on the new premises is authorized in the same manner as provided by this

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.



## ACT 5

chapter for approval of any original premises; provided, that the holder of any manufacturer's license or a wholesale dealer's license issued by the commission of any county may, through authorized solicitors or representatives, solicit and take orders for direct shipment for liquor in permitted quantities in any other county.

Any person desiring to act as the authorized solicitor or representative of a manufacturer or wholesale dealer in any county shall make application to the commission of such county in which he proposes to act for a permit to act as such.

The application shall state the name of the applicant, his age, residence, and place of business, the name and address of the manufacturer or wholesale dealer he represents and shall be accompanied by a statement from the manufacturer or wholesale dealer to the effect that the applicant has been appointed as its solicitor or representative. All sales and all orders taken for liquor by any such solicitor or representative shall be subject to the rules and regulations of the commission for the county within which the sales are made or orders taken.

No such solicitor or representative shall be permitted to have, own or control any liquor for sale."

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 14, 1979.)

## ACT 5

H.B. NO. 356

A Bill for an Act Relating to Nonforfeiture of Employment Rights for Absence Required by National Guard Duty.

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

SECTION 1. Chapter 121, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"Sec. 121- Nonforfeiture for absence.** (a) Every employee of a private employer who is a member of the national guard shall be entitled to absent himself from his employment duties while engaged in the performance of ordered national guard service and while going to and returning from such service. Such person shall:

- (1) If still qualified to perform his employment duties, be restored by such employer or the employer's successor in interest to such position or to a position of like seniority, status, and pay; or
- (2) If not qualified to perform his employment duties, by reason of disability sustained during ordered national guard service, but qualified to perform the duties of any other position in the employ of such employer or the employer's successor in interest, be offered employment and, if such person so requests, be employed by such employer or the employer's successor in interest in such other position the duties of which such person is qualified to perform as will provide such person like seniority, status, and

pay, or the nearest approximation thereof consistent with the circumstances in such person's case,

unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

- (b) (1) Any person who is restored to or employed in a position in accordance with the provisions of subsection (a) shall be considered as having been on furlough or leave of absence; shall be so restored or reemployed without loss of seniority; shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was ordered to national guard service; and shall not be discharged from such employment position without cause within one year after such restoration or reemployment.
- (2) Any person who is restored to or employed in a position in accordance with the provisions of subsection (a) should be so restored or reemployed in such manner as to give such person such status in the person's employment as the person would have enjoyed if such person had continued in such employment continuously from the time such person became engaged in the performance of ordered national guard service until the time of such person's restoration to such employment, or reemployment.
- (3) Any person who holds a position described in subsection (a) shall not be denied retention in employment or any promotion or other incident or advantage of employment because of any obligation as a member of the national guard."

SECTION 2. Section 378-2, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 378-2 Discriminatory practices made unlawful; offenses defined. It shall be unlawful employment practice or unlawful discrimination:**

- (1) For an employer to refuse to hire or employ or to bar or discharge from employment, any individual because of his race, sex, age, religion, color, ancestry, physical handicap, marital status, or arrest and court record which does not have a substantial relationship to the functions and responsibilities of the prospective or continued employment, provided that an employer may refuse to hire an individual for good cause relating to the ability of the individual to perform the work in question;
- (2) For an employer to discriminate against any individual in compensation or in the terms, conditions, or privileges of employment because of race, sex, age, religion, color, ancestry, physical handicap, marital status, or arrest and court record;
- (3) For any employer or employment agency to print, circulate, or cause to be printed or circulated any statement, advertisement, or publication or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, sex, age, religion, color, ancestry, physical handicap, marital status, or arrest and court record unless based on a bona fide occupational qualification;

## ACT 6

- (4) For any labor organization to exclude or expel from its membership any person or to discriminate in any way against any of its members, employer, or employees because of race, sex, age, religion, color, ancestry, physical handicap, marital status, or arrest and court record;
- (5) For any employer, labor organization, or employment agency to discharge, expel, or otherwise discriminate against any person because he has opposed any practice forbidden by this part or because he has filed a complaint, testified, or assisted in any proceeding respecting the employment practices and discrimination prohibited under this part;
- (6) For any person whether an employer, employee, or not, to aid, abet, incite, compel, or coerce the doing of any of the practices forbidden by this part, or to attempt to do so;
- (7) For any employer or labor organization to refuse to enter into an apprenticeship agreement, as defined in section 372-2, because of the race, sex, age, religion, color, ancestry, physical handicap, marital status, of an apprentice; provided that no apprentice shall be less than sixteen years of age;
- (8) For any employer to violate the provisions of section 121- relating to nonforfeiture for absence by members of the national guard."

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

(Approved April 14, 1979.)

## ACT 6

H.B. NO. 404

A Bill for an Act Relating to Prompt Complaint.

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

SECTION 1. Section 707-740, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 707-740 Prompt complaint.** No prosecution may be instituted or maintained under this part unless the alleged offense was brought to the notice of public authority within one month of its occurrence provided that where the alleged victim was a minor or otherwise incompetent to make a complaint, the one-month requirement shall not apply."

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

(Approved April 14, 1979.)

## ACT 7

H.B. NO. 1631

A Bill for an Act Relating to the Progressive Neighborhoods Program.

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

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

SECTION 1. Section 362-12, Hawaii Revised Statutes, is amended to read:

“**Sec. 362-12 Task force established.** (a) There is established a progressive neighborhoods task force for the purpose of this part.

(b) The task force shall be appointed by the governor. The basic members of the task force shall be the state administrative director, the director of social services, the director of health, the superintendent of education, the director of labor and industrial relations, a judge of the family court of the first circuit, the president of the University of Hawaii, the director of the Hawaii office of economic opportunity, the executive secretary of the advisory commission on manpower and full employment, the director of the office of children and youth, the director of the executive office on aging, the director of progressive neighborhood programs, the chairman of the Hawaiian homes commission, and three members of the general public or their representatives. The task force shall also include at least two citizens of the target area, the exact number being left to the discretion of the governor. In the event the task force undertakes its endeavors in a neighborhood other than on the island of Oahu, the task force shall also include a judge of the family court of the circuit in which the neighborhood is located. The governor shall designate a chairman from among the members of the task force.

(c) The task force shall meet at least once a month while studying a particular target neighborhood. Citizen members of the task force shall be compensated in an amount not to exceed \$20 per meeting attended. The task force shall undertake its endeavors in those areas selected by the basic members of the task force; except that it shall commence its endeavors with the Nanakuli-Waianae and Kalihi-Palama areas.

(d) The task force shall be responsible for initiating such studies and experimental programs as are necessary to identify the major core problems contributing to multiproblem neighborhoods, to propose and institute interventions into problem cycles, to evaluate the effectiveness of present or innovated interventions aimed at problem modification, and to assay the cost-benefits of different systems of interventions; for investigating various proposals for the possible reallocation and realignment of agency approaches and programs and making such recommendations to the governor, the chief justice, and the legislature as are indicated to increase problem modification in target neighborhoods and program effectiveness or to make possible new programs of higher indicated potential; and for piloting a program in career development in education, social work, community organization, health services, and the like for the purpose of final remedy of progressive neighborhoods problems.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved April 17, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

A Bill for an Act Relating to the Practice of Barbering.

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

SECTION 1. Section 438-8, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 438-8 Requisites for admission to examinations and registration.** The secretary of the board of barbers shall determine the sufficiency of the preliminary qualifications of applicants for admission to examinations and registration. The following preliminary qualifications shall be sufficient:

- (1) Apprentices shall be at least sixteen years of age.
- (2) Barbers shall be at least eighteen years of age and have practiced as a barber or an apprentice for a period of at least six months under the immediate personal supervision of a barber.

The examination of applicants for certificates to practice shall be conducted under rules prescribed by the board, and shall include practical demonstrations and written oral tests.”

SECTION 2. Section 438-10, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 438-10 Temporary certificates.** (a) Any person who is at least eighteen years of age and either (1) has a certified or photostat copy of a certificate, or certificate of registration, or license as a practicing barber from another state or country which has substantially the same requirements for licensing or registering barbers as required by this chapter, or (2) who can prove to the satisfaction of the board of barbers that he has practiced as a barber in another state or country for at least five years immediately prior to making application in this State, shall, upon payment of the required fee be issued a permit to practice as a journeyman barber only until he is called by the board for examination to determine his fitness to receive a certificate of registration to practice barbering. If he fails to pass the required examination, he shall be allowed to practice as a journeyman barber until he is called by the board for the next term of examinations. If he fails at the third examination, he shall cease to practice barbering in this State.

(b) Any apprentice who is at least sixteen years of age and has a certificate of registration as an apprentice in a state or country which has substantially the same requirements for registration as an apprentice as is provided by this chapter, shall upon payment of the required fee, be issued a permit to work as an apprentice until called by the board for examination to determine his fitness to receive a certificate of registration as an apprentice or barber. If he passes the required examination a certificate of registration as a registered apprentice shall be issued to him and the time spent in such other state or country as an apprentice shall be credited by this chapter as a qualification to take the examination to determine his fitness to receive a certificate of registration as a registered barber.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved April 23, 1979.)

## ACT 9

H.B. NO.286

A Bill for an Act Relating to Adult Care Homes, Family Boarding Homes, and Other Similar Institutions.

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

SECTION 1. Section 321-15.6, Hawaii Revised Statutes, is amended to read:

**“Sec. 321-15.6 Care homes; licenses; temporary permits; training and regulation.** (a) All care homes shall be licensed to ensure the health, safety, and welfare of the individuals placed therein; provided that the department may issue a temporary permit to operate a care home if an operator or applying operator is temporarily unable to conform to all minimum licensing standards. A temporary permit shall be valid for not more than six months.

(b) The director shall adopt rules regarding care homes in accordance with chapter 91 which shall be designed to:

- (1) Protect the health, safety, and civil rights of persons residing in the facilities regulated;
- (2) Provide for the licensing of facilities regulated;
- (3) Comply with applicable federal laws and regulations of Title XVI of the Social Security Act, as amended; and
- (4) Provide penalties for the failure to comply with any [rules.] rule.

(c) The department shall provide for the training of operators and staff of any facility licensed under this section, in conjunction with any licensing thereof, and in coordination with the department of [health,] social services and housing, to ensure that [adult family boarding] care home operators shall have the needed skills to provide proper care and supervision in a home environment (i.e., first aid, cardiopulmonary resuscitation, and nutrition training as a minimum). Such training shall be provided at the expense of the State.

(d) Rules adopted under this section shall be enforced by the director.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved April 23, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

A Bill for an Act Relating to the Board of Pharmacy.

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

SECTION 1. Section 461-6, Hawaii Revised Statutes, is amended to read:

**“Sec. 461-6 Examination.** Every applicant shall pass an examination with a general average of not less than seventy per cent in the subjects of pharmacy, materia medica, chemistry, toxicology and posology, compounding of prescriptions, identification of drugs, state laws, and public health regulations relating to drugs, poisons, and devices used in the practice of pharmacy in the State, and such other subjects relating to the practice of pharmacy as the board of pharmacy may deem necessary for the protection of the public health.

Every application for examination shall be made on a form to be supplied by the board and shall be filed with the board at least thirty days before the examination. Each application shall be accompanied by an examination fee of [~~\$25~~[\$37.50]] \$50. Examinations shall be held at least twice a year. Notice of the examination shall be given each applicant by registered mail.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved April 23, 1979.)

A Bill for an Act Relating to Public Assistance.

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

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

**“Sec. 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.’’

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved April 23, 1979.)

## ACT 12

H.B. NO. 614

A Bill for an Act Relating to the State Information Agency.

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

SECTION 1. Section 576-30, Hawaii Revised Statutes, is amended to read:

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.



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**“Sec. 576-30 State information agency.** The department of social services and housing is designated as the state information agency under this chapter, and it shall:

- (1) Compile a list of the courts and their addresses in this State having jurisdiction under this chapter and transmit the same to the state information agency of every state which has adopted this or a substantially similar act;
- (2) Maintain a register of such lists received from the states and transmit copies thereof as soon as possible after receipt to every court in this State having jurisdiction under this chapter.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved April 23, 1979.)

## ACT 13

H.B. NO. 734

A Bill for an Act Relating to Life and Disability Insurance.

*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:

### “CHAPTER

### HAWAII LIFE AND DISABILITY INSURANCE GUARANTY ASSOCIATION ACT

**Sec. -1 Purpose.** The purpose of this chapter is to protect policyowners, insureds, beneficiaries, annuitants, payees, and assignees of life insurance policies, disability insurance policies, annuity contracts, and supplemental contracts, subject to certain limitations, against failure in the performance of contractual obligations due to the impairment or insolvency of the insurer issuing such policies or contracts. To provide this protection:

- (1) An association of insurers is created to enable the guaranty of payment of benefits and of continuation of coverages;
- (2) Members of the association are subject to assessment to provide funds to carry out the purpose of this chapter; and
- (3) The association is authorized to assist the commissioner, in the prescribed manner, in the detection and prevention of insurer impairments or insolvencies.

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

**Sec. -2 Scope.** (a) This chapter shall apply to direct life insurance policies, disability insurance policies, annuity contracts, and contracts supplemental to life and disability insurance policies, issued by persons licensed to transact insurance in this State at any time.

(b) This chapter shall not apply to:

- (1) That portion or part of a variable life insurance or variable annuity contract not guaranteed by an insurer;
- (2) That portion or part of any policy or contract under which the risk is borne by the policy holder;
- (3) Any policy or contract or part thereof assumed by the impaired or insolvent insurer under a contract of reinsurance, other than reinsurance for which assumption certificates have been issued;
- (4) Any such policy or contract issued by mutual and fraternal benefit societies;
- (5) Certificate holders under master group policies validly issued in other states.

**Sec. -3 Construction.** This chapter shall be liberally construed to effect the purpose under section -1.

**Sec. -4 Definitions.** As used in this chapter:

- (1) "Account" means either of the three accounts created under section -5.
- (2) "Association" means the Hawaii Life and Disability Insurance Guaranty Association created under section -5.
- (3) "Commissioner" means the insurance commissioner of this State.
- (4) "Contractual obligation" means any obligation under covered policies.
- (5) "Covered policy" means any policy or contract within the scope of this chapter.
- (6) "Impaired insurer" means a member insurer deemed by the commissioner after the effective date of this chapter to be potentially unable to fulfill its contractual obligations.
- (7) "Insolvent insurer" means a member insurer which after the effective date of this chapter, becomes insolvent and is placed under a final order of liquidation, rehabilitation or conservation by a court of competent jurisdiction.
- (8) "Member insurer" means any person licensed to transact in this State any kind of insurance to which this chapter applies.
- (9) "Premiums" means direct gross insurance premiums and annuity considerations received on covered policies, less return premiums and considerations thereon and dividends paid or credited to policyholders on such direct business. "Premiums" do not include premiums and considerations on contracts between insurers and reinsurers.
- (10) "Person" means any individual, corporation, partnership, association or voluntary organization.
- (11) "Resident" means any person who resides in this State at the time a member insurer is determined to be an impaired or insolvent insurer and to whom contractual obligations are owed.

**Sec. -5 Creation of the association.** (a) There is created a nonprofit unincorporated legal entity to be known as the Hawaii Life and Disability Insurance Guaranty Association. All member insurers 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 functions under the plan of operation established and approved under section -9 and shall exercise its powers through a board of directors established under section -6. For purposes of administration and assessment, the association shall maintain three accounts:

- (1) The life insurance account;
- (2) The disability insurance account; and
- (3) The annuity account.

(b) The association shall come under the immediate supervision of the commissioner and shall be subject to the applicable provisions of the insurance law of this State.

**Sec. -6 Board of directors.** (a) The board of directors of the association shall consist of not less than five nor more than nine member insurers 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 by a majority vote of the remaining board members, subject to the approval of the commissioner. To select the initial board of directors, and initially organize the association, the commissioner shall give notice to all member insurers of the time and place of the organizational meeting. In determining voting rights at the organizational meeting each member insurer shall be entitled to one vote in person or by proxy. If the board of directors is not selected within sixty days after notice of the organizational meeting, the commissioner may appoint the initial members.

(b) In approving selections or in appointing members 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 but members of the board shall not otherwise be compensated by the association for their services.

**Sec. -7 Powers and duties of the association.** In addition to the powers and duties enumerated in other sections of this chapter:

- (1) If a domestic insurer is an impaired insurer, the association may, subject to any condition imposed by the association other than those which impair the contractual obligations of the impaired insurer, and approved by the impaired insurer and the commissioner:
  - (A) Guarantee or reinsure, or cause to be guaranteed, assumed, or reinsured, any or all of the covered policies of the impaired insurer;
  - (B) Provide such monies, pledges, notes, guarantees, or other means as are proper to effectuate subparagraph (A), and assure payment of the contractual obligations of the impaired insurer pending action under subparagraph (A);
  - (C) Loan money to the impaired insurer.
- (2) If a domestic insurer is an insolvent insurer, the association shall, subject to the approval of the commissioner:

- (A) Guarantee, assume, or reinsure, or cause to be guaranteed, assumed, or reinsured the covered policies of the insolvent insurer;
  - (B) Assure payment of the contractual obligations of the insolvent insurer; and
  - (C) Provide such monies, pledges, notes, guarantees, or other means as are reasonably necessary to discharge such duties.
- (3) If a foreign or alien insurer is an insolvent insurer, the association shall, subject to the approval of the commissioner:
- (A) Guarantee, assume or reinsure, or cause to be guaranteed, assumed, or reinsured the covered policies of residents;
  - (B) Assure payment of the contractual obligations of the insolvent insurer to residents; and
  - (C) Provide such monies, pledges, notes, guarantees, or other means as are reasonably necessary to discharge such duties.

Provided; however, that this paragraph (3) shall not apply where the commissioner has determined that the foreign or alien insurer's domiciliary jurisdiction or state of entry provides, by statute, protection substantially similar to that provided by this chapter for residents of this State.

- (4) In carrying out its duties under paragraphs (2) and (3), permanent policy liens, or contract liens may be imposed in connection with any guarantee, assumption or reinsurance agreement, if the court:
- (A) Finds that the amounts which can be assessed under this chapter are less than the amounts needed to assure full and prompt performance of the insolvent insurer's contractual obligations, or that the economic or financial conditions as they affect member insurers are sufficiently adverse to render the imposition of policy or contract liens, to be in the public interest, and
  - (B) Approves the specific policy liens to be used.

Before being obligated under paragraphs (2) and (3), the association may request that there be imposed temporary moratoriums or liens on payments of cash values and policy loans in addition to contractual provisions for deferral of cash or policy loan values, and such temporary moratoriums and liens may be imposed if they are approved by the court.

- (5) If the association fails to act within a reasonable period of time as provided in paragraphs (2) and (3) of this section, the commissioner shall have the powers and duties of the association under this chapter with respect to insolvent insurers.
- (6) The association may render assistance and advice to the commissioner, upon his request, concerning rehabilitation, payment of claims, continuance of coverage, or the performance of other contractual obligations of any impaired or insolvent insurer.
- (7) The association shall have standing to appear before any court in this State with jurisdiction over an impaired or insolvent insurer concerning which the association is or may become obligated under this chapter. Such standing shall extend to all matters germane to the powers and duties of the association, including, but not limited to, proposals for reinsuring or

guaranteeing the covered policies of the impaired or insolvent insurer and the determination of the covered policies and contractual obligations.

- (8) Any person receiving benefits under this chapter shall be deemed to have assigned the rights under the covered policy to the association to the extent of the benefits received because of this chapter whether the benefits are payments of contractual obligations or continuation of coverage. The association may require an assignment to it of such rights by any payee, policy or contract owner, beneficiary, insured or annuitant as a condition precedent to the receipt of any right or benefit conferred by this chapter upon such person. The association shall be subrogated to these rights against the assets of any insolvent insurer.

The subrogation rights of the association under this paragraph (8) shall have the same priority against the assets of the insolvent insurer as that possessed by the person entitled to receive benefits under this chapter.

- (9) The contractual obligations of the insolvent insurer for which the association becomes or may become liable shall be as great as but no greater than the contractual obligations of the insolvent insurer would have been in the absence of any insolvency unless such obligations are reduced as permitted by paragraph (4) but the aggregate liability of the association shall not exceed \$100,000 in cash values, or \$300,000 for all benefits, including cash values, with respect to any one life.
- (10) The association may:
  - (A) Enter into such contracts as are necessary or proper to carry out the provisions and purpose of this chapter;
  - (B) Sue or be sued, including taking any legal action necessary or proper for recovery of any unpaid assessment under paragraph (9);
  - (C) Borrow money to effect the purpose of this chapter; any note or other evidence of indebtedness of the association not in default shall be legal investments for domestic insurers and may be carried as admitted assets;
  - (D) Employ or retain such persons as are necessary to handle the financial transactions of the association, and to perform such other functions as become necessary or proper under this chapter;
  - (E) Negotiate and contract with any liquidator, rehabilitator, conservator, or ancillary receiver to carry out the powers and duties of the association;
  - (F) Take such legal action as may be necessary to avoid payment of improper claims;
  - (G) Exercise, for the purpose of this chapter and to the extent approved by the commissioner, the powers of a domestic life or disability insurer, but in no case may the association issue insurance policies or annuity contracts other than those issued to perform the contractual obligations of the impaired or insolvent insurer.

**Sec. -8 Assessments.** (a) For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board of directors shall assess the member insurers, separately for each account, at such time and for such

amounts as the board finds necessary. Assessments shall be due not less than thirty days after prior written notice to the member insurers and shall accrue interest at eighteen per cent a year on and after the due date.

(b) There shall be three classes of assessments, as follows:

- (1) Class A assessments shall be made for the purpose of meeting administrative costs and other general expenses and examinations conducted under the authority of section -11(5) not related to a particular impaired or insolvent insurer.
- (2) Class B assessments shall be made to the extent necessary to carry out the powers and duties of the association under section -7 with regard to an impaired or insolvent domestic insurer.
- (3) Class C assessments shall be made to the extent necessary to carry out the powers and duties of the association under section -7 with regard to an insolvent foreign or alien insurer.

(c) The amount of any Class A assessment shall be determined by the board and may be made on a non-pro rata basis. Such assessment shall be credited against future insolvency assessments and shall not exceed \$50 per company in any one calendar year. The amount of any Class B or C assessment shall be allocated for assessment purposes among the accounts in the proportion that the premiums received by the impaired or insolvent insurer on the policies covered by each account for the last calendar year preceding the assessment in which the impaired or insolvent insurer received premiums bears to the premiums received by such insurer for such calendar year on all covered policies.

Class C assessments against member insurers for each account shall be in the proportion that the premiums received on business in this State by each assessed member insurer on policies covered by each account for the calendar year preceding the assessments bears to such premiums received on business in this State for the calendar year preceding the assessment by all assessed member insurers.

Class B assessments for each account shall be made separately for each state in which the impaired or insolvent domestic insurer was authorized to transact insurance at any time, in the proportion that the premiums received on business in such state by the impaired or insolvent insurer on policies covered by such account for the last calendar year preceding the assessment in which the impaired or insolvent insurer received premiums bears to such premiums received in all such states for such calendar year by the impaired or insolvent insurer. The assessments against member insurers shall be in the proportion that the premiums received on business in each such state by each assessed member insurer on policies covered by each account for the calendar year preceding the assessment bears to such premiums received on business in each state for the calendar year preceding assessment by all assessed member insurers.

Assessments for funds to meet the requirements of the association with respect to an impaired or insolvent insurer shall not be made until necessary to implement the purpose of this chapter. Classification of assessments under subsection (b) and computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible.

(d) The association may abate or defer, in whole or in part, the assessment of a

member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is abated or deferred, in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section.

(e) The total of all assessments upon a member insurer for each account shall not in any calendar year exceed two per cent of such insurer's premiums received in this State during the calendar year preceding the assessment on the policies covered by the account. If the maximum assessment, together with the other assets of the association in either account, does not provide in any one year in either account an amount sufficient to carry out the responsibilities of the association, the necessary additional funds shall be assessed as soon thereafter as permitted by this chapter.

(f) The board may, by an equitable method as established in the plan of operation, refund to member insurers, in proportion to the contribution of each insurer to that account, the amount by which the assets of the account exceed the amount the board finds is necessary to carry out during the coming year the obligations of the association with regard to that account, including assets accruing from net realized gains and income from investments. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the association and for future losses if refunds are impractical.

(g) It shall be proper for any member insurer, in determining its premium rates and policyowner dividends as to any kind of insurance within the scope of this chapter, to consider the amount reasonably necessary to meet its assessment obligations under this chapter.

(h) The association shall issue to each insurer paying an assessment under this chapter, other than a Class A assessment, a certificate of contribution, in a form prescribed by the commissioner, for the amount so paid. All outstanding certificates shall be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the insurer in its financial statement as an asset in such form and for such amount, if any, and period of time as the commissioner may approve.

**Sec. -9 Plan of operation.** (a) The association shall submit to the commissioner a plan of operation and any amendment thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the association. The plan of operation and any amendment thereto shall become effective upon approval in writing by the commissioner.

If the association fails to submit a suitable plan of operation within 180 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, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this chapter. Such 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, in addition to requirements enumerated elsewhere in this chapter:

- (1) Establish procedures for handling the assets of the association.
- (2) Establish the amount and method of reimbursing members of the board of directors under section -6.
- (3) Establish regular places and times for meetings of the board of directors.
- (4) Establish procedures for records to be kept of all financial transactions of the association, its agents, and the board of directors.
- (5) Establish the procedures whereby selections for the board of directors will be made and submitted to the commissioner.
- (6) Establish any additional procedures for assessments under section -8.
- (7) 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 sections -7(10) (E) and -8, 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 for any payments made on behalf of the association and shall be paid for its performance of any function 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 Duties and powers of the commissioner.** In addition to the duties and powers enumerated elsewhere in this chapter,

- (1) The commissioner shall:
  - (A) Upon request of the board of directors, provide the association with a statement of the premiums in the appropriate states for each member insurer.
  - (B) When an impairment is declared and the amount of the impairment is determined, serve a demand upon the impaired insurer to make good the impairment within a reasonable time. Notice to the impaired insurer shall constitute notice to its shareholders, if any. The failure of the insurer to promptly comply with such demand shall not excuse the association from the performance of its powers and duties under this chapter.
  - (C) In any liquidation or rehabilitation proceeding involving a domestic insurer, be appointed as the liquidator or rehabilitator. If a foreign or alien member insurer is subject to a liquidation proceeding in its domiciliary jurisdiction or state of entry, the commissioner shall be appointed conservator.
- (2) The commissioner may 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 forfeiture on any member insurer which fails to pay an assessment when due. Such forfeiture shall not exceed five per cent of the unpaid assessment per month, but no forfeiture shall be less than \$100 per month.



- (3) Any action of the board of directors or the association may be appealed to the commissioner by any member insurer, if such appeal is taken within thirty days of the action being appealed. Any final action or order of the commissioner shall be subject to judicial review in a court of competent jurisdiction.
- (4) The liquidator, rehabilitator, or conservator of any impaired insurer may notify all interested persons of the effect of this chapter.

**Sec. -11 Prevention of insolvencies.** To aid in the detection and prevention of insurer insolvencies or impairments:

- (1) It shall be the duty of the commissioner:
  - (A) To notify the commissioners of all the other states, territories of the United States and the District of Columbia when he takes any of the following actions against a member insurer:
    - (i) Revocation of license;
    - (ii) Suspension of license;
    - (iii) Makes any formal order that such company restricts its premium writing, obtain additional contributions to surplus, withdraw from the state, reinsure all or any part of its business, or increase capital, surplus, or any other account for the security of policyholders or creditors.Such notice shall be mailed to all commissioners within thirty days following the action taken or the date on which such action occurs.
  - (B) To report to the board of directors when he has taken any of the actions set forth in subparagraph (A) of this section or has received a report from any other commissioner indicating that any such action has been taken in another state. Such report to the board of directors shall contain all significant details of the action taken or the report received from another commissioner.
  - (C) To report to the board of directors when he has reasonable cause to believe from any examination, whether completed or in process, of any member company that such company may be an impaired or insolvent insurer.
  - (D) To furnish to the board of directors the NAIC Early Warning Tests developed by the National Association of Insurance Commissioners, and the board may use the information contained therein in carrying out its duties and responsibilities under this section. Such report and the information contained therein shall be kept confidential by the board of directors until such time as made public by the commissioner or other lawful authority.
- (2) The commissioner may seek the advice and recommendations of the board of directors concerning any matter affecting his duties and responsibilities regarding the financial condition of member companies and companies seeking admission to transact insurance business in this State.
- (3) 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 or ger-

mane to the solvency of any company seeking to do an insurance business in this State. Such reports and recommendations shall not be considered public documents.

- (4) 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 an impaired insurer or insolvent insurer.
- (5) 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 an impaired or insolvent insurer. Within thirty days of the receipt of such request, the commissioner shall begin such 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 excuse the commissioner from complying with paragraph (1). 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.
- (6) The board of directors may, upon majority vote, make recommendations to the commissioner for the detection and prevention of insurer insolvencies.
- (7) 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 to the commissioner containing such information as it may have in its possession bearing on the history and causes of such insolvency. The board shall cooperate with the boards of directors of guaranty associations in other states in preparing a report on the history and causes for insolvency of a particular insurer, and may adopt by reference any report prepared by such other associations.

**Sec. -12 Credits for assessments paid.** (a) A member insurer may offset against its premium tax liability (or liabilities) to this State an assessment described in section -8(h) to the extent of twenty per cent of the amount of such assessment for each of the five calendar years following the year in which such assessment was paid. In the event a member insurer should cease doing business, all uncredited assessments may be credited against its premium tax liability (or liabilities) for the year it ceases doing business.

(b) Any sum acquired by refund, pursuant to section -8(f), from the association which has theretofore been written off by contributing insurers and offset against its premium taxes as provided in subsection (a) above, and are not then needed for purposes of this chapter, shall be paid by the association to the commissioner and by him deposited with the state director of finance for credit to the general fund of this State.

**Sec. -13 Miscellaneous provisions.** (a) Nothing in this chapter shall be construed to reduce the liability for unpaid assessments of the insureds on an impaired

or insolvent insurer operating under a plan with assessment liability.

(b) Records shall be kept of all negotiations and meetings in which the association or its representatives are involved to discuss the activities of the association in carrying out its powers and duties under section -7. Records of such negotiations or meetings shall be made public only upon the termination of a liquidation, rehabilitation, or conservation proceeding involving the impaired or insolvent insurer, upon the termination of the impairment or insolvency of the insurer, or upon the order of a court of competent jurisdiction. Nothing in this subsection shall limit the duty of the association to render a report of its activities under section -14.

(c) For the purpose of carrying out its obligations under this chapter, the association shall be deemed to be a creditor of the impaired or insolvent insurer to the extent of assets attributable to covered policies reduced by any amount to which the association is entitled as subrogee pursuant to section -7(9). Assets of the impaired or insolvent insurer attributable to covered policies shall be used to continue all covered policies and pay all contractual obligations of the impaired or insolvent insurer as required by this chapter. Assets attributable to covered policies, as used in this subsection, is that proportion of the assets which the reserves that should have been established for such policies bear to the reserve that should have been established for all policies of insurance written by the impaired or insolvent insurer.

(d) Prior to the termination of any liquidation, rehabilitation, or conservation proceeding, the court may take into consideration the contributions of the respective parties, including the association, the shareholders and policyowners of the insolvent insurer, and any other party with a bona fide interest, in making an equitable distribution of the ownership rights of such insolvent insurer. In such a determination, consideration shall be given to the welfare of the policyholders of the continuing or successor insurer.

No distribution to stockholders, if any, of an impaired or insolvent insurer shall be made until and unless the total amount of valid claims of the association for funds expended in carrying out its powers and duties under section -7, with respect to such insurer have been fully recovered by the association.

(e) If an order for liquidation or rehabilitation of an insurer domiciled in this State has been entered, the receiver appointed under such order shall have a right to recover on behalf of the insurer, from any affiliate that controlled it, the amount of distributions, other than stock dividends paid by the insurer on its capital stock, made at any time during the five years preceding the petition for liquidation or rehabilitation subject to the limitations provided in this subsection.

No such dividend shall be recoverable if the insurer shows that when paid the distribution was lawful and reasonable, and that the insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the insurer to fulfill its contractual obligations.

Any person who was an affiliate that controlled the insurer at the time the distributions were paid shall be liable up to the amount of distributions he received. Any person who was an affiliate that controlled the insurer at the time the distributions were declared, shall be liable up to the amount of distributions he would have received if they had been paid immediately. If two persons are liable with respect to the same distributions, they shall be jointly and severally liable.

The maximum amount recoverable under this subsection shall be the amount

needed in excess of all other available assets of the insolvent insurer to pay the contractual obligations of the insolvent insurer.

If any person liable under this subsection is insolvent, all its affiliates that controlled it at the time the dividend was paid, shall be jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

**Sec. -14 Examination of the association; annual report.** The association shall be subject to examination and regulation by the commissioner. The board of directors shall submit to the commissioner, not later than May 1 of each year, a financial report for the preceding calendar year in a form approved by the commissioner and a report of its activities during the preceding calendar year.

**Sec. -15 Tax exemptions.** 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 property.

**Sec. -16 Immunity.** There shall be no liability on the part of and no cause of action of any nature shall arise against any member insurer or its agents or employees, the association or its agents or employees, members of 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. -17 Stay of proceedings; reopening default judgments.** All proceedings in which the insolvent insurer is a party in any court in this State shall be stayed sixty days from the date an order of liquidation, rehabilitation, or conservation is final to permit proper legal action by the association on any matter germane to its powers or duties. As to judgment under any decision, order, verdict, or finding based on default the association may apply to have such judgment set aside by the same court that made such judgment and shall be permitted to defend against such suit on the merits.

**Sec. -18 Prohibited advertisement of insurance guaranty association act in sale of insurance.** No person, including an insurer, agent or affiliate of an insurer shall make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in any newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio station or television station, or in any other way, any advertisement, announcement or statement which uses the existence of the Life and Disability Insurance Guaranty Association of this State for the purpose of sales, solicitation, or inducement to purchase any form of insurance covered by the Hawaii Life and Disability Insurance Guaranty Association Act. However, this section shall not apply to the Hawaii Life and Disability Insurance Guaranty Association or any other entity which does not sell or solicit insurance."

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

(Approved April 23, 1979.)

ACT 14

H.B. NO. 931

A Bill for an Act Relating to the Boxing Commission.

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

## ACT 15

SECTION 1. Section 440-9, Hawaii Revised Statutes, is amended to read:

**“Sec. 440-9 Jurisdiction of commission.** The boxing commission is vested with the sole jurisdiction, direction, management and control over all professional and amateur boxing, to be conducted, held or given within the State. No such professional or amateur boxing contest shall be conducted, held or given within the State except in accordance with this chapter and the rules and regulations adopted by the commission pursuant thereto.

The commission shall not allow any professional boxing contest unless the contestants use gloves not less than five ounces in weight and does not consist of more than fifteen rounds of a duration of more than three minutes each with an interval of one minute between each round and the succeeding round, and unless each contestant is over eighteen years of age and one hour prior to the contest is examined by a licensed physician who shall certify in writing to the referee of the contest that the contestant is physically fit to engage therein.”

SECTION 2. Statutory material to be repealed is bracketed.\*

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

(Approved April 23, 1979.)

## ACT 15

S.B. NO. 1650

A Bill for an Act Relating to Consolidation and Merger of Corporations.

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

SECTION 1. **Purpose.** The purpose of this Act is to clarify certain provisions for merger and consolidation to long-standing corporate practice interpreting the applicable provisions of the Hawaii Revised Statutes. Recent legal decisions have questioned some of these practices and this bill clarifies these decisions.

SECTION 2. Section 417-3, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 417-3 Agreement; approval of board of directors.** The board of directors of each constituent corporation shall prepare for consideration by the stockholders a proposed merger or consolidation agreement which shall set forth that the constituent corporations are to become a single new corporation, or that one or more of the constituent corporations are to be merged into a specified constituent corporation; the terms and conditions of the merger or consolidation and the mode of carrying the same into effect; the names and addresses of the first directors and officers of the surviving or consolidated corporation and their respective terms of office; the amount of the capital stock of the surviving or consolidated corporation, and if the privilege of subsequent extension of the capital stock is asked for, the limit of the extension; the preferences, voting powers, restrictions, and qualifications of all classes of stock of the surviving or consolidated corporation, if there is to be more

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\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

than one class of stock; and the manner and basis of converting the shares of each of the constituent corporations into shares of the surviving or consolidated corporation.

The agreement may also provide for the distribution or exchange of cash or any other property, [or] assets or shares of stock of any other corporation held as an asset by [of] any constituent corporation, in whole or in part, in lieu of or partially in lieu of shares of the surviving or consolidated corporation to stockholders of the constituent corporations or any class of them; but nothing in this part shall be deemed to authorize the distribution or exchange of cash, or other property, [or] assets or shares of stock of any other corporation held as an asset by any constituent corporation to the stockholders of any constituent corporation (except in payment of dissenting stockholders for their shares under sections 417-19 to 417-30) unless after giving effect to any such distribution or exchange of cash, or other property, [or] assets or shares of stock of any other corporation held as an asset by any constituent corporation, the liabilities of the surviving or consolidated corporation, including those derived by it from the constituent corporations, plus the amount of the capital stock of the surviving or consolidated corporation do not exceed the value of the remaining assets and property of the surviving or consolidated corporation, and unless the liabilities of the surviving or consolidated corporation, including those derived by it from the constituent corporations, are less in amount than one-half the value of the remaining assets and property of the surviving or consolidated corporation.

The agreement may also provide the time or conditions, upon the happening of which the agreement shall be executed and filed as herein provided. The agreement may also provide that the name of the consolidated corporation shall be the same as the name of a constituent corporation.

If the agreement is for a consolidation, it shall state therein or incorporate as part thereof, by reference and exhibit number, complete articles of association as is required by chapter 416 in the case of the formation of new corporations (except that the name of the incorporators and the affidavit referred to in section 416-15 shall not be required). These articles of association shall be deemed to be the articles of association of the consolidated corporation upon the filing of consolidation agreement in the office of the director of regulatory agencies as hereinafter provided. The articles of association of the consolidated corporation may contain all the powers and privileges that could be lawfully conferred or obtained in original articles of association.

If the agreement is for a merger, it shall state any matters with respect to which the articles of the surviving corporation are proposed to be amended, and shall set forth or incorporate as part thereof, by reference and exhibit number, the proposed articles of association as amended, and the articles shall be deemed to be the amended articles of association of the surviving corporation upon the filing of the merger agreement in the office of the director as hereinafter provided. The amended articles of association of the surviving corporation may provide for the extension of the term of its corporate existence, and may contain all the powers and privileges that could be lawfully conferred or obtained in original articles of association.

Prior to its execution, the proposed merger or consolidation agreement shall be approved by the board of directors of each constituent corporation. The approval may be given either before or after the approval or authorization of the stockholders as herein provided.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 4. This Act shall take effect upon approval.

(Approved April 23, 1979.)

ACT 16

S.B. NO. 50

A Bill for an Act Relating to District Judges (Constitutional Amendments of Articles VI and XVIII).

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

SECTION 1. **Purpose.** The purpose of this bill is to implement Articles VI and XVIII of the Constitution of the State of Hawaii as amended by the Hawaii Constitutional Convention of 1978 and pertaining to District Judges.

SECTION 2. Section 604-2, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 604-2 Appointment and tenure of district judges; per diem district judges.** District judges shall be appointed by the chief justice of the supreme court. Each judge shall reside in the judicial circuit for which he is appointed and shall have been an attorney licensed to practice in all the courts of the State for at least five years. District judges shall hold office for a term of six years and until their successors are appointed and qualified; provided, that any judge may be reprimanded, disciplined, suspended with or without salary, relieved or removed from office for misconduct or disability, as provided by rules adopted by the supreme court.

The chief justice shall appoint district judges to serve on per diem basis and as may be necessary to provide auxiliary judicial functions in the several districts of the State. Such per diem district judges may engage in the private practice of law during their term of service. Such judges shall receive per diem compensation for the days on which actual service is rendered based on the monthly rate of compensation paid to a district court judge. For the purpose of determining per diem compensation in this section, a month shall be deemed to consist of twenty-one days.”

SECTION 3. Section 604-1, Hawaii Revised Statutes is amended to read as follows:

**“Sec. 604-1 Judicial circuits; district judges; sessions.** There shall be established in each of the judicial circuits of the State of Hawaii a district court with the powers and under the conditions herein set forth, which shall be styled as follows:

- (1) For the First Judicial Circuit: The District Court of the First Circuit.
- (2) For the Second Judicial Circuit: The District Court of the Second Circuit.
- (3) For the Third Judicial Circuit: The District Court of the Third Circuit.
- (4) For the Fifth Judicial Circuit: The District Court of the Fifth Circuit.

There shall be appointed one or more district judges for each judicial circuit. The district court of the first circuit shall consist of twelve judges, who shall be styled as first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth judge, respectively. One of the district judges shall hear landlord-tenant and

small claims matters, provided that when in the discretion of the chief justice of the supreme court the urgency or volume of cases so requires, he may authorize the judge to substitute for or act in addition to or otherwise in place of any other district judge of the district court of the first circuit. The district court of the second circuit shall consist of two judges, who shall be styled as first and second judge, respectively. The district court of the third circuit shall consist of three judges, who shall be styled as first, second and third judge, respectively. The district court of the fifth circuit shall consist of one judge. The chief justice may designate a judge in each circuit as the administrative judge for the circuit.

The district courts shall hold sessions at such places in their respective circuits and as often as the respective district judges deem essential to the promotion of justice.”

SECTION 5.† Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 6. This Act shall take effect upon its approval.  
(Approved May 12, 1979.)

## ACT 17

S.B. NO. 483

A Bill for an Act Relating to Holidays.

*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:

“**Sec. 8- Arbor Day.** The first Friday in November shall be known as Arbor Day, provided that this day is not and shall not be construed to be a state holiday.”

SECTION 2. This Act shall take effect upon its approval.\*  
(Approved May 12, 1979.)

## ACT 18

S.B. NO. 615

A Bill for an Act Relating to Reemployment of Retired Patient Employees of the Department of Health.

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

SECTION 1. Section 326-23, Hawaii Revised Statutes, is amended to read:

“**Sec.326-23 Pensions for patient employees at hospitals, etc.** All patient employees or patient laborers at every hospital, settlement, and place maintained for the treatment and care of persons affected with leprosy shall be entitled, upon retirement after twenty years or more service with the department of health, at the

†So in original. There is no section 4.

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.



hospital, settlement, or place, to a pension, payable monthly, in an amount which shall be equal to sixty-six and two-thirds per cent of the wage or salary which the patient was receiving at the time of retirement, or to a pension, payable monthly, in an amount which shall be equal to sixty-six and two-thirds per cent of the average wage or salary which the patient employee was receiving during his last twelve months of employment at the hospital, settlement, or place, whichever is higher.

Patient employees may use service with any state department or agency not exceeding five years which has not been credited under the state retirement system in lieu of service with a hospital, settlement, and place maintained for the treatment and care of persons affected with leprosy to satisfy the requirement of the preceding paragraph; provided that the service shall be authenticated by official records of the department where service was performed.

When work is available at Kalaupapa Settlement which may be fulfilled by patient residents of the settlement under section 326-21 and there are no applicants for such positions from among the eligible patients, pensioned patients who are in residence at Kalaupapa Settlement may be reemployed, not to exceed nineteen hours per week, without relinquishing the pension granted to them under this section. Furthermore, notwithstanding any provision of this chapter or of any other chapter relating to this subject matter, such reemployment shall not result in suspension or termination of payment of the pension granted originally or serve to increase, decrease, or alter said pension in anyway."

SECTION 2. New material is underscored.\*

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

(Approved May 12, 1979.)

ACT 19

S.B. NO. 625

A Bill for an Act Relating to Commercial Fishing.

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

SECTION 1. Section 189-1, Hawaii Revised Statutes, is amended to read:

"**Sec. 189-1 Definitions.** When used in this part:

"Commercial fishing" means the fishing for or taking of fish for profit or gain or as a means of livelihood, provided the fish are taken in the waters of the State or sold or offered for sale anywhere in the State.

"Commercial fisherman" means a person who has been issued a commercial fishing license as in this part provided.

"Fish" means any type or species of salt water fish, shellfish, crustaceans, or other marine animals, plants, seaweeds, or products thereof."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.\*

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

SECTION 3. This Act shall take effect upon its approval.  
 (Approved May 12, 1979.)

ACT 20

S.B. NO. 626

A Bill for an Act Relating to Designation of Agents to Sell Freshwater Game Fish Licenses.

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

SECTION 1. Chapter 188, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

“**Sec. 188- Agents to sell licenses.** The department of land and natural resources may designate agents to sell freshwater fishing licenses in accordance with the procedures and conditions set forth in section 191-7.”

SECTION 2. New statutory material is underscored.\*

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

(Approved May 12, 1979.)

ACT 21

S.B. NO. 683

A Bill for an Act Relating to Duties of the Department of Transportation

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

SECTION 1. Section 266-7, Hawaii Revised Statutes, is amended to read:

“**Sec. 266-7 Department; duties.** The department of transportation shall collect all moneys, fees, and dues paid to the State for wharfage, demurrage, and all other fees or compensation in respect to the entry, anchorage, and wharfage of all vessels and other craft entering into the ports of the State, and shall account for the same to the State as hereinafter provided. The department shall keep a full and complete record of the official acts of the department.”

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

(Approved May 12, 1979.)

ACT 22

S.B. NO. 691

A Bill for an Act Relating to the Motor Vehicle Industry Licensing Board.

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

SECTION 1. Section 26H-4, Hawaii Revised Statutes, is amended to read as follows:

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

**ACT 22**

**“Sec. 26H-4 Repeal dates.** [(a) The following chapters are hereby repealed effective December 31, 1978:

- (1) Chapter 448A (Escort Agencies)
- (2) Chapter 462 (Board of Photography)]

[(b) (a) The following chapters are hereby repealed effective December 31, 1979:

- [(1) Chapter 437 (Motor Vehicle Industry Licensing Board)
- (2)](1) Chapter 440 (Boxing Commission)
- [(3)] (2) Chapter 443 (Collection Agencies Board)
- [(4)] (3) Chapter 446D (Degree Granting Institutions)
- [(5)] (4) Chapter 448H (Elevator Mechanics Licensing Board)
- [(6)] (5) Chapter 467A (Rental Agencies)
- [(7)] (6) Chapter 452 (Board of Massage)

[(c) (b) The following chapters are hereby repealed effective December 31, 1980:

- (1) Chapter 436 (Board of Examiners for Abstract Makers)
- (2) Chapter 439 (Board of Cosmetology)
- (3) Chapter 447 (Dental Hygienists)
- (4) Chapter 463 (Board of Private Detectives and Guards)
- (5) Chapter 468J (Travel Agencies)
- (6) Chapter 471 (Board of Veterinary Examiners)
- (7) Chapter 438 (Board of Barbers)

[(d) (c) The following chapters are hereby repealed effective December 31, 1981:

- (1) Chapter 441 (Cemetery Board)
- (2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
- (3) Chapter 457B (Board of Examiners of Nursing Home Administrators)
- (4) Chapter 458 (Board of Dispensing Opticians)
- (5) Chapter 459 (Board of Examiners in Optometry)
- (6) Chapter 465 (Board of Certification for Practicing Psychologists)
- (7) Chapter 468E (Board of Speech Pathology and Audiology)

[(e) (d) The following chapters are hereby repealed effective December 31, 1982:

- (1) Chapter 436D (Board of Acupuncture)
- (2) Chapter 437B (Motor Vehicle Repair Industry Board)
- (3) Chapter 442 (Board of Chiropractic Examiners)
- (4) Chapter 448E (Board of Electricians and Plumbers)
- (5) Chapter 464 (Board of Registration of Professional Engineers, Architects, Surveyors and Landscape Architects)
- (6) Chapter 466 (Board of Public Accountancy)
- (7) Chapter 467 (Real Estate Commission)

[(f) (e) The following chapters are hereby repealed effective December 31, 1983:

- (1) Chapter 444 (Contractors License Board)
- (2) Chapter 448 (Board of Dental Examiners)
- (3) Chapter 453 (Board of Medical Examiners)
- (4) Chapter 457 (Board of Nursing)

(5) Chapter 460 (Board of Osteopathic Examiners)

(6) Chapter 461 (Board of Pharmacy)

1984: [(g)] (f) The following chapters are hereby repealed effective December 31,

(1) Chapter 455[, Hawaii Revised Statutes] (Board of Examiners in Naturopathy)

(2) Chapter 463E[, Hawaii Revised Statutes] (Podiatry)[.]

(g) The following chapter is hereby repealed effective December 31, 1985:

(1) Chapter 437 (Motor Vehicle Industry Licensing Board)."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 12, 1979.)

ACT 23

S.B. NO. 697

A Bill for an Act Relating to the Boxing Commission.

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

SECTION 1. Section 26H-4, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 26H-4 Repeal dates.** [(a) The following chapters are hereby repealed effective December 31, 1978:

(1) Chapter 448A (Escort Agencies)

(2) Chapter 462 (Board of Photography)]

1979: [(b)] (a) The following chapters are hereby repealed effective December 31,

(1) Chapter 437 (Motor Vehicle Industry Licensing Board)

[(2) Chapter 440 (Boxing Commission)

(3)] (2) Chapter 443 (Collection Agencies Board)

[(4)] (3) Chapter 446D (Degree Granting Institutions)

[(5)] (4) Chapter 448H (Elevator Mechanics Licensing Board)

[(6)] (5) Chapter 467A (Rental Agencies)

[(7)] (6) Chapter 452 (Board of Massage)

1980: [(c)] (b) The following chapters are hereby repealed effective December 31,

(1) Chapter 436 (Board of Examiners for Abstract Makers)

(2) Chapter 439 (Board of Cosmetology)

(3) Chapter 447 (Dental Hygienists)

(4) Chapter 463 (Board of Private Detectives and Guards)

(5) Chapter 468J (Travel Agencies)

(6) Chapter 471 (Board of Veterinary Examiners)

(7) Chapter 438 (Board of Barbers)

1981: [(d)] (c) The following chapters are hereby repealed effective December 31,

**ACT 24**

- (1) Chapter 441 (Cemetery Board)
- (2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
- (3) Chapter 457B (Board of Examiners of Nursing Home Administrators)
- (4) Chapter 458 (Board of Dispensing Opticians)
- (5) Chapter 459 (Board of Examiners in Optometry)
- (6) Chapter 465 (Board of Certification for Practicing Psychologists)
- (7) Chapter 468E (Board of Speech Pathology and Audiology)

1982: [(e)] (d) The following chapters are hereby repealed effective December 31,

- (1) Chapter 436D (Board of Acupuncture)
- (2) Chapter 437B (Motor Vehicle Repair Industry Board)
- (3) Chapter 442 (Board of Chiropractic Examiners)
- (4) Chapter 448E (Board of Electricians and Plumbers)
- (5) Chapter 464 (Board of Registration of Professional Engineers, Architects, Surveyors and Landscape Architects)
- (6) Chapter 466 (Board of Public Accountancy)
- (7) Chapter 467 (Real Estate Commission)

1983: [(f)] (e) The following chapters are hereby repealed effective December 31,

- (1) Chapter 444 (Contractors License Board)
- (2) Chapter 448 (Board of Dental Examiners)
- (3) Chapter 453 (Board of Medical Examiners)
- (4) Chapter 457 (Board of Nursing)
- (5) Chapter 460 (Board of Osteopathic Examiners)
- (6) Chapter 461 (Board of Pharmacy)

1984: [(g)] (f) The following chapters are hereby repealed effective December 31,

- (1) Chapter 455[, Hawaii Revised Statutes] (Board of Examiners in Naturopathy)
- (2) Chapter 463E[, Hawaii Revised Statutes] (Podiatry)[.]
- (g) The following chapter is hereby repealed effective December 31, 1985:  
(1) Chapter 440 (Boxing Commission)."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 12, 1979.)

**ACT 24**

**S.B. NO. 698**

A Bill for an Act Relating to the Hawaii Regulatory Licensing Reform Act.

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

SECTION 1. Section 26H-4, Hawaii Revised Statutes is amended to read as follows:

**“Sec. 26H-4 Repeal dates.** [(a) The following chapters are hereby repealed effective December 31, 1978:

- (1) Chapter 448A (Escort Agencies)
- (2) Chapter 462 (Board of Photography)

(b)] (a) The following chapters are hereby repealed effective December 31, 1979:

- (1) Chapter 437 (Motor Vehicle Industry Licensing Board)
- (2) Chapter 440 (Boxing Commission)
- (3) Chapter 443 (Collection [Agencies] Agency Board)
- (4) Chapter 446D (Degree Granting Institutions)
- (5) Chapter 448H (Elevator Mechanics Licensing Board)
- (6) Chapter 467A (Rental Agencies)
- (7) Chapter 452 (Board of Massage)

[(c)] (b) The following chapters are hereby repealed effective December 31, 1980:

- (1) Chapter 436 (Board of Examiners for Abstract Makers)
- (2) Chapter 439 (Board of Cosmetology)
- (3) Chapter 447 (Dental Hygienists)
- (4) Chapter 463 (Board of Private Detectives and Guards)
- (5) Chapter 468J (Travel Agencies)
- (6) Chapter 471 (Board of Veterinary Examiners)
- (7) Chapter 438 (Board of Barbers)

[(d)] (c) The following chapters are hereby repealed effective December 31, 1981:

- (1) Chapter 441 (Cemetery Board)
- (2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
- (3) Chapter 457B (Board of Examiners of Nursing Home Administrators)
- (4) Chapter 458 (Board of Dispensing Opticians)
- (5) Chapter 459 (Board of Examiners in Optometry)
- (6) Chapter 465 (Board of Certification for Practicing Psychologists)
- (7) Chapter 468E (Board of Speech Pathology and Audiology)

[(e)] (d) The following chapters are hereby repealed effective December 31, 1982:

- (1) Chapter 436D (Board of Acupuncture)
- (2) Chapter 437B (Motor Vehicle Repair Industry Board)
- (3) Chapter 442 (Board of Chiropractic Examiners)
- (4) Chapter 448E (Board of Electricians and Plumbers)
- (5) Chapter 464 (Board of Registration of Professional Engineers, Architects, Surveyors and Landscape Architects)
- (6) Chapter 466 (Board of Public Accountancy)
- (7) Chapter 467 (Real Estate Commission)

[(f)] (e) The following chapters are hereby repealed effective December 31, 1983:

- (1) Chapter 444 (Contractors License Board)
- (2) Chapter 448 (Board of Dental Examiners)
- (3) Chapter 453 (Board of Medical Examiners)
- (4) Chapter 457 (Board of Nursing)

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(5) Chapter 460 (Board of Osteopathic Examiners)

(6) Chapter 461 (Board of Pharmacy)

(7) Chapter 460J (Pest Control Board)

1984: [(g)] (f) The following chapters are hereby repealed effective December 31,

(1) Chapter 455[, Hawaii Revised Statutes] (Board of Examiners in Naturopathy)

[[](2)[ ]] Chapter 463E[, Hawaii Revised Statutes] (Podiatry).”

SECTION 2. Chapter 448A, Hawaii Revised Statutes, is repealed.

SECTION 3. Chapter 462, Hawaii Revised Statutes, is repealed.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 12, 1979.)

ACT 25

S.B. NO. 758

A Bill for an Act Relating to the Statewide Transportation Council.

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

SECTION. 1. Section 279A-4, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 279A-4 Statewide transportation council; establishment.** To assist and advise the state department of transportation in the development of the statewide transportation plan there is hereby established a statewide transportation council consisting of thirteen members. The members of the council shall be the directors of the state department of transportation, the state department of planning and economic development, the state department of health, and the state office of environmental quality control, the chairman of the board of agriculture, the planning directors of each of the four counties, and the transportation directors of each of the four counties. The members may be represented at council meetings by their designated alternates. The director of the state department of transportation shall submit recommendations to the council for additional ex-officio nonvoting members who, upon the majority vote of the council, shall be invited to serve.

The department of transportation shall furnish staff support to the council; such staff may be exempt from the provisions of chapters 76 and 77. The director of the department of transportation shall be the chairman of the council. All decisions of the council shall be by majority vote unless otherwise provided.”

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

(Approved May 12, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

## ACT 26

S.B. NO. 1117

A Bill for an Act Relating to the Statewide Transportation Council.

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

SECTION 1. Section 279A-9, Hawaii Revised Statutes, is amended to read:

“**Sec. 279A-9 Limitation of transportation units.** The council shall be responsible for limiting and curtailing the numbers and kinds of transportation units in the State. The council shall determine, as often as the council deems to be necessary or as required by the legislature, after consultation with the department of traffic and other appropriate departments of the counties, the number, size, and use of transportation units of any kind that may be within the territory of any island of the State at any one time. The council shall make its determination on the basis of preserving, safeguarding, and enhancing the physical and mental health of the residents of the State, and the ecology and environmental quality of the State, and shall take into consideration the need for high priority and vital movement of people and goods. The council shall report its findings to the legislature as soon as its findings are completed.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 12, 1979.)

## ACT 27

S.B. NO. 1282

A Bill for an Act Relating to Penalties for False Statements and Representations in Regard to Unemployment Compensation.

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

SECTION 1. Section 383-141, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 383-141 Falsely obtaining benefits, etc.** Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment under this chapter or under the unemployment compensation law of any state or of the federal government, either for himself or for any other person, shall be charged with a misdemeanor if the value of the benefit obtained or increased is less than \$200, or shall be charged with a class C felony if the value of the benefit obtained or increased is \$200 or more; and each such false statement or misrepresentation or failure to disclose a material fact shall constitute a separate offense; provided, that no fine or imprisonment shall be imposed in any case in which disqualification has been determined under section 383-30(5).”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.



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

(Approved May 12, 1979.)

A Bill for an Act Relating to Insurance.

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

SECTION 1. Section 431H-1, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 431H-1 Disclosure of information; when allowed.** No corporation, copartnership, association, individual, or group of individuals, which has made a loan in connection with which insurance is required to be carried by the borrower, shall disclose any information contained in or relating to the required insurance policy to third parties, unless the disclosure is:

- (1) Consented to by the borrower in writing in a separate document after the loan has been granted;
- (2) Expressly authorized by state or federal law;
- (3) An ordinary and necessary part of the process of effectuating and servicing the loan agreement;
- (4) Pursuant to court order;
- (5) Made to the borrower’s insurance company, agent, or solicitor;
- (6) Made necessary by the borrower’s failure to maintain or renew insurance pursuant to the terms of a loan or similar agreement; or
- (7) Made to a person for the purpose of monitoring the borrower’s maintenance of the insurance required pursuant to the terms of a loan or similar agreement.”

SECTION 2. Section 431H-2, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 431H-2 Receipt of information; use; when allowed.** No person shall receive or use for any purpose information contained in or relating to a required insurance policy from any corporation, copartnership, association, individual, or group of individuals, which has made a loan in connection with which insurance is required to be carried by the borrower, unless such receipt and use is:

- (1) Consented to by the borrower in writing in a separate document after the loan has been granted;
- (2) Expressly authorized by state or federal law;
- (3) An ordinary and necessary part of the process of effectuating and servicing the loan agreement;
- (4) Pursuant to court order;
- (5) By the borrower, the borrower’s insurance company, agent, or solicitor, in connection with the policy; or
- (6) By a person for the purpose of monitoring the borrower’s maintenance of the insurance required pursuant to the terms of a loan or similar agreement.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 12, 1979.)

## ACT 29

S.B. NO. 1438

A Bill for an Act Relating to Industrial Loan Companies.

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

SECTION 1. Section 408-15, Hawaii Revised Statutes, is amended by amending subsection (h) to read:

“(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, or title insurance 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
- (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, or upon any partial or complete release, discharge, or satisfaction of judgment, mortgage, lien, or other encumbrance, or upon any of such conveyances of any real or personal property which constitutes all or a portion of the security on a contract.
- (6) Loan fees or “points” on all loans primarily secured by an interest in real property where the interest rate is computed in accordance with subsection (j) of this section; provided, that the total finance charge payable by the borrower in connection with any such loan shall include the amount of any such loan fees or “points” and shall not exceed an annual percentage rate (as defined in the Federal Truth In Lending Act and the regulations of the

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

Federal Reserve Board promulgated thereunder) of eighteen per cent per annum.

- (7) Any reasonable attorneys' fees incurred for the preparation of any contract, or any promissory note or any obligation evidencing an indebtedness, or 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 security on a contract, or any other documents relating to a contract.
- (8) Actual charges for credit reports and other credit screening expenses incurred for loans of \$5,000 or more, provided that such charges shall not exceed \$15 per applicant and such charges are paid to third parties and no portion of such charges inures to the benefit of the company."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 12, 1979.)

ACT 30

S.B. NO. 1439

A Bill for an Act Relating to 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 as follows:

**"Sec. 408-15 Interest rates; late charges; 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

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

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.

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) Late charges 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 late charges not to exceed twelve per cent a year on any contractual installment or portion thereof which remains unpaid on the due date 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. The company shall give the borrower written notice of the assessment of late charges prior to the due date for the next contractual payment. No late charges shall be assessed after acceleration of the maturity of the contract.

(5) After maturity interest charges. Upon maturity of the contract, the rate of interest on the unpaid principal balance of the loan shall be eighteen per cent a year or the original contract rate of interest, whichever is less.

(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, or title insurance 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

- (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, or upon any partial or complete release, discharge, or satisfaction of judgment, mortgage, lien, or other encumbrance, or upon any of such conveyances of any real or personal property which constitutes all or a portion of the security on a contract.
- (6) Loan fees or "points" on all loans primarily secured by an interest in real property where the interest rate is computed in accordance with subsection (j) of this section; provided, that the total finance charge payable by the borrower in connection with any such loan shall include the amount of any such loan fees or "points" and shall not exceed an annual percentage rate (as defined in the Federal Truth In Lending Act and the regulations of the Federal Reserve Board promulgated thereunder) of eighteen per cent per annum.
- (7) Any reasonable attorneys' fees incurred for the preparation of any contract, or any promissory note or any obligation evidencing an indebtedness, or 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 security on a contract, or any other documents relating to a 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 fifteen years; provided that retail installment contracts as defined in section 476-1, unsecured loans for less than \$5,000, and loans for less than \$7,500 secured only by personal property shall not be contracted under this subsection for a loan period of longer than six years. For loans contracted under this subsection with a term exceeding six years, the note shall provide for repayment of the loan in equal monthly installments over the term of the loan with a final payment not exceeding twice the monthly payment. Upon the maturity date of the contract, the rate of interest on the unpaid principal balance of the loan may be twelve per cent a year or the original contract rate of interest, whichever is greater.

In addition to collecting interest at the rate established in the first paragraph of this subsection, an industrial loan company may collect late charges on delinquent installments. Except as otherwise provided in chapter 476, relating to Retail Installment Sales, late charges shall not exceed five per cent of each delinquent contractual installment or portion thereof which remains unpaid on the due date agreed upon in the contract or \$50, whichever is less. The late charges shall not be collected more than once for the same delinquent installment. Delinquency occurs when the install-

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ment or payment is not paid on the due date agreed upon in the contract. The company shall give the borrower written notice of the assessment of late charges prior to the due date of the next contractual payment. No late charges shall be assessed after acceleration of the maturity of the contract.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 3. This Act shall take effect upon approval.

(Approved May 12, 1979.)

## ACT 31

S.B. NO. 1483

A Bill for an Act Relating to Exemption from Civil Service for the Hawaii Housing Authority Tenant Hire Program.

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

SECTION 1. The purpose of this Act is to allow the Hawaii housing authority to pursue the goal established by the United States Department of Housing and Urban Development (HUD), that approximately 25 per cent of the authority's work force be comprised of persons residing in housing projects maintained or operated by the authority.

Currently, there are some permanent employees who reside in the authority's projects and can be counted toward this goal. The majority of these employees are persons employed under the tenant hire program which was established specifically to accommodate the HUD goal. It is staffed with project residents employed for under twenty hours a week.

The department of personnel services, however, has challenged the exemption of these persons from civil service status. The purpose of this Act is to clarify this policy through statutory amendment.

SECTION 2. Section 76-16, Hawaii Revised Statutes, is amended to read as follows:

**“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 surround-

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\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

- ing 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 one year, 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;
  - (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 eight 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; three law clerks for the chief justice of the supreme court, two law clerks for each associate justice of the supreme court, and one law clerk for 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 paragraph [(17);] (16);
  - (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 special, research, or demonstration projects approved by the governor, for which projects federal funds are available;
  - (13) Positions filled by inmates, kokua, and patients of state institutions, and persons with severe physical or mental handicaps participating on the Work Experience Training Programs, students, and positions filled through federally funded programs which provide temporary public service employment such as the federal Comprehensive Employment and Training Act of 1973;
  - (14) A custodian or guide at Iolani Palace, Royal Mausoleum, and Hulihee Palace;



- (15) Positions filled by persons employed on a fee, contract, or piecework 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;
- (16) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, article [IV,] V, 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; one additional deputy in the department of health to administer all environmental health programs within the jurisdiction of the department; one additional deputy in the department of social services and housing either in charge of welfare or such other functions within the department as may be assigned by the director of social services; one additional deputy in the department of health in charge of administration or such other functions within the department as may be assigned by the director of health with the approval of the governor; and [as] an administrative assistant to the superintendent of education;
- (17) Positions specifically exempted from this part by any other law; provided that all of the positions defined by paragraph (9) shall be included in the position classification plan;
- (18) 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;
- (19) Household employees at the official residence of the president of the University of Hawaii;
- (20) Employees in the department of education engaged in the supervision of students during lunch periods and in the cleaning of classrooms after school hours on a less than half-time basis[.]; and
- (21) Employees hired under the tenant hire program of the Hawaii housing authority, provided that no more than twenty-six per cent of the authority's work force in any housing project maintained or operated by the authority shall be hired under the tenant hire program.

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 3. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 12, 1979.)

A Bill for an Act Relating to the Hawaii Insurance Law.

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

SECTION 1. Section 431-269, Hawaii Revised Statutes. is amended to read as follows:

**“Sec. 431-269 Standard Valuation Law; life.** (a) This section shall be known as the Standard Valuation Law.

(b) Annual valuation:

- (1) The insurance commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurer doing business in this State, except that in the case of an alien insurer the valuation shall be limited to its insurance transactions in the United States, and may certify the amount of any such reserves, specifying the mortality table or tables, rate or rates of interest, methods (net level premium method or others) used in the calculation of the reserves. In calculating the reserves, the commissioner may use group methods and approximate averages for fractions of a year or otherwise. He may accept, in his discretion, the insurer's calculation of the reserves. In lieu of the valuation of the reserves herein required of any foreign or alien insurer, he may accept any valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when the valuation complies with the minimum standard herein provided and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the commissioner when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction.
- (2) The actual cost of making valuations under this section shall be assessed on the insurer, whose policies are so valued, by the commissioner.
- (3) Any such insurer which at any time has adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the commissioner, adopt any lower standard of valuation, but not lower than the minimum herein provided.

(c) Minimum valuation standard:

- (1) Old policies: Except as otherwise provided in paragraph (3), the minimum standard for the valuation of all such policies and contracts issued prior to the operative date of section 431-561, shall be that provided by the laws in effect immediately prior to January 1, 1956.
- (2) Except as otherwise provided in paragraph (3), the minimum standard for the valuation of all the policies and contracts issued on or after the operative date of section 431-561 shall be the Commissioners Reserve Valuation Methods defined in subsections (d), (e) and (h) of this section, three and

one-half per cent interest, or in the case of policies and contracts, other than annuity and pure endowment contracts, issued on or after June 1, 1976 four per cent interest for such policies issued prior to June 1, 1979, five and one-half per cent interest for single premium life insurance policies and four and one-half per cent interest for all other such policies issued on or after June 1, 1979, and the following tables:

- (A) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in the policies—the Commissioners 1941 Standard Ordinary Mortality Table for such policies issued prior to the operative date of section 431-561(e) (5), and the Commissioners 1958 Standard Ordinary Mortality Table for the policies issued on or after the operative date; provided that for any category of such policies issued on female risks all modified net premiums and present values referred to in this section may be calculated according to an age not more than six years younger than the actual age of the insured.
- (B) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in the policies—the 1941 Standard Industrial Mortality Table for such policies issued prior to the operative date of section 431-561(e) (6), and the Commissioners 1961 Standard Industrial Mortality Table for the policies issued on or after the operative date.
- (C) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies—the 1937 Standard Annuity Mortality Table or, at the option of the insurer, the Annuity Mortality Table for 1949, ultimate, or any modification of either of these tables approved by the commissioner.
- (D) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies—the Group Annuity Mortality Table for 1951, any modification of the table approved by the commissioner, or, at the option of the insurer, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts.
- (E) For total and permanent disability benefits in or supplementary to ordinary policies or contracts—for policies or contracts issued after December 31, 1965, the tables of period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 disability study of the Society of Actuaries, with due regard to the type of benefit; for policies or contracts issued after December 31, 1960, and prior to January 1, 1966, either the tables or, at the option of the insurer, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.
- (F) For accidental death benefits in or supplementary to policies—for policies issued after December 31, 1965, the 1959 Accidental Death

- Benefits Table; for policies issued after December 31, 1960, and prior to January 1, 1966, either the table or, at the option of the insurer, the Inter-company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the Inter-company Double Indemnity Mortality Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.
- (G) For group life insurance, life insurance issued on the substandard basis, and other special benefits—such tables as may be approved by the commissioner.
- (3) The minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after the operative date of this paragraph as defined herein, and for all annuities and pure endowments purchased on or after such operative date under group annuity and pure endowment contracts, shall be the Commissioners Reserve Valuation Methods defined in subsections (d) and (e) and the following tables and interest rates:
- (A) For individual annuity and pure endowment contracts issued prior to June 1, 1979, excluding any disability and accidental death benefits in such contracts—the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the commissioner, and six per cent interest for single premium immediate annuity contracts, and four per cent interest for all other individual annuity and pure endowment contracts.
- (B) For individual single premium immediate annuity contracts issued on or after June 1, 1979, excluding any disability and accidental death benefits in such contracts—the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the commissioner, and seven and one-half per cent interest.
- (C) For individual annuity and pure endowment contracts issued on or after June 1, 1979, other than single premium immediate annuity contracts, excluding any disability and accidental death benefits in such contracts—the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the commissioner, and five and one-half per cent interest for single premium deferred annuity and pure endowment contracts and four and one-half per cent interest for all other such individual annuity and pure endowment contracts.
- (D) For all annuities and pure endowment contracts purchased prior to June 1, 1979 under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts—the 1971 Group Annuity Mortality Table, or any modification of this table approved by the commissioner, and six per cent interest.
- (E) For all annuities and pure endowments purchased on or after June 1, 1979 under group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such contracts—the 1971 Group Annuity Mortality Table, or any modification of this table approved by the commissioner, and seven and one-half per cent interest.

After June 1, 1976, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this paragraph after a specified date before January 1, 1979, which shall be the operative date of this paragraph for such insurer; provided that an insurer may elect a different operative date for individual annuity and pure endowment contracts from that elected for group annuity and pure endowment contracts. If an insurer makes no such election, the operative date of this paragraph for such insurer shall be January 1, 1979.

(d) Commissioners Reserve Valuation Methods:

(1) Except as otherwise provided in subsections (e) and (h), reserves according to the Commissioners Reserve Valuation Methods, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value at the date of valuation, of such future guaranteed benefits provided for by the policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be the uniform percentage of the respective contract premiums for such benefits (excluding extra premiums on a substandard policy) that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of the benefits provided for by the policy and the excess of (A) over (B) as follows:

(A) A net level annual premium equal to the present value, at the date of issue, of the benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one a year payable on the first and each subsequent anniversary of the policy on which a premium falls due; provided, that the net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan for insurance of the same amount at an age one year higher than the age of issue of such policy.

(B) A net one-year term premium for the benefits provided for in the first policy year.

(2) Reserves according to the Commissioners Reserve Valuation Methods for (A) life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, (B) group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended, (C) disability and accidental death benefits in all policies and contracts, and (D) all other benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts, shall be calculated by a method consistent with the principles of this subsection (d).

(e) This subsection shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement

plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, as now or hereafter amended.

Reserves according to the commissioners annuity reserve method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in such contracts, shall be the greatest of the respective excesses of the present values, at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided for by such contracts at the end of each respective contract year, over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of such contract, that become payable prior to the end of such respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate, or rates, specified in such contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of such contracts to determine nonforfeiture values.

(f) Minimum aggregate reserves: In no event shall an insurer's aggregate reserves for all life insurance policies excluding disability and accidental death benefits, issued on or after the operative date of section 431-561, be less than the aggregate reserves calculated in accordance with the methods set forth in subsections (d), (e) and (g) and the mortality tables and rates of interest used in calculating nonforfeiture benefits for such policies.

(g) Optional reserves bases: Reserves for any category of policies, contracts, or benefits as established by the commissioner, issued on or after the operative date of section 431-561, may be calculated, at the option of the insurer according to any standards which produce greater aggregate reserves for the category than those calculated according to the minimum standard herein provided, but the rates of interest used for policies and contracts, other than annuity and pure endowment contracts, shall not be higher than the corresponding rates of interest used in calculating any nonforfeiture benefits provided for therein. Any such company which at any time shall have adopted any standard valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the commissioner, adopt any lower standard of valuation, but not lower than the minimum herein provided.

(h) Minimum reserve: If in any contract year the gross premium charged by any life insurer on any policy or contract is less than the valuation net premium for the policy or contract calculated by the method used in calculating the reserve thereon but using the minimum valuation standards of mortality and rate of interest, the minimum reserve required for such policy or contract shall be the greater of either the reserve calculated according to the mortality table, rate of interest and method actually used for such policy or contract, or the reserve calculated by the method actually used for such policy or contract but using the minimum standards of mortality and rate of interest and replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium."

SECTION 2. Section 431-561, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 431-561 Standard nonforfeiture law; life insurance contracts.** (a) This section shall be known as the Standard Nonforfeiture Law for Life Insurance.

(b) Nonforfeiture provisions—life:

(1) In the case of policies issued on or after the operative date of this section as defined in subsection (h), no policy of life insurance, except as stated in subsection (g), shall be delivered or issued for delivery in this State unless it contains in substance the following provisions, or corresponding provisions which in the opinion of the insurance commissioner are at least as favorable to the defaulting or surrendering policyholder:

- (A) That, in the event of default in any premium payment, the insurer will grant, upon proper request not later than sixty days after the due date of the premium in default, a paid-up nonforfeiture benefit on a plan stipulated in the policy, effective as of the due date, of such value as may be hereinafter specified.
- (B) That, upon surrender of the policy within sixty days after the due date of any premium payment in default after premiums have been paid for at least three full years in the case of ordinary insurance or five full years in the case of industrial insurance, the insurer will pay, in lieu of any paid-up nonforfeiture benefit, a cash surrender value of such amount as may be hereinafter specified.
- (C) That a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the person entitled to make the election elects another available option not later than sixty days after the due date of the premium in default.
- (D) That, if the policy has been paid-up by completion of all premium payments or if it is continued under any paid-up nonforfeiture benefit which became effective on or after the third policy anniversary in the case of ordinary insurance or the fifth policy anniversary in the case of industrial insurance, the insurer will pay, upon surrender of the policy within thirty days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified.
- (E) A statement of the mortality table and interest rate used in calculating the cash surrender values and the paid-up nonforfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up nonforfeiture benefit, if any, available under the policy on each policy anniversary either during the first twenty policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the insurer on the policy.
- (F) A statement that the cash surrender values and the paid-up nonforfeiture benefits available under the policy are not less than the minimum values and benefits required by or pursuant to the insurance law of the jurisdiction in which the policy is delivered; an explanation of

the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the insurer on the policy; if a detailed statement of the method of computation of the values and benefits shown in the policy is not stated therein, a statement that the method of computation has been filed with the insurance supervisory official of the jurisdiction in which the policy is delivered; and a statement of the method to be used in calculating the cash surrender value and paid-up nonforfeiture benefit available under the policy on any policy anniversary beyond the last anniversary for which such values and benefits are consecutively shown in the policy.

(2) Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy.

(3) The insurer shall reserve the right to defer the payment of any cash surrender value for a period of six months after demand therefor with surrender of the policy.

(c) Cash surrender value—life:

(1) Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary, whether or not required by subsection (b) of this section, shall be an amount not less than the excess, if any, of the present value, on the anniversary, of the future guaranteed benefits which would have been provided for by the policy including any existing paid-up additions, if there had been no default, over the sum of:

(A) The then present value of the adjusted premiums as defined in subsection (e) of this section, corresponding to premiums which would have fallen due on and after the anniversary, and

(B) The amount of any indebtedness to the insurer on account of any indebtedness to the insurer on account of or secured by the policy.

(2) Any cash surrender value available within thirty days after any policy anniversary under any policy paid up by completion of all premium payments or any policy continued under any paid-up nonforfeiture benefits, whether or not required by such subsection (b), shall be an amount not less than the present value, on the anniversary, of the future guaranteed benefits provided for by the policy including any existing paid-up additions, decreased by any indebtedness to the insurer on account of or secured by the policy.

(d) Paid-up nonforfeiture benefit—life. Any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment due on any policy anniversary shall be such that its present value as of the anniversary shall be at least equal to the cash surrender value then provided for by the policy or, if none is provided for, that cash surrender value which would have been required by this section in the absence of the condition that premiums shall have been paid for at least a specified period.

(e) The adjusted premium—life:

(1) Except as provided in subsection (e)(4) of this section, the adjusted pre-



miums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding extra premiums on a substandard policy, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of:

- (A) The then present value of the future guaranteed benefits provided for by the policy;
  - (B) Two per cent of the amount of insurance, if the insurance is uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy;
  - (C) Forty per cent of the adjusted premium for the first policy year;
  - (D) Twenty-five per cent of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less.
- (2) Provided, that in applying the percentages specified in (C) and (D) above, no adjusted premium shall be deemed to exceed four percent of the amount of insurance or uniform amount equivalent thereto. Whenever the plan or term of a policy has been changed, either by request of the insured or automatically in accordance with the policy, the date of inception of the changed policy for the purposes of determining a nonforfeiture benefit or cash surrender value shall be the date as of which the age of the insured is determined for the purposes of the changed policy.
- (3) In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent uniform amount thereof for the purpose of this paragraph shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy; provided, that in the case of a policy providing a varying amount of insurance issued on the life of a child under age ten, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age ten was the amount provided by the policy at age ten.
- (4) The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision shall be equal to (A) the adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable, by (B) the adjusted premiums for the term insurance, the foregoing items (A) and (B) being calculated separately and as specified in subsection (e)(1), (2), and (3) except that, for the purposes of subsection (e)(1)(B), (C), and (D) the amount of insurance or equivalent uniform amount of insurance used in the calculation of the adjusted premiums referred to in (B) shall be equal to the excess of the corresponding amount determined for the entire policy over

- the amount used in the calculation of the adjusted premiums in (A).
- (5) Except as otherwise provided in paragraphs (6) and (7) of subsection (e) of this section, all adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1941 Standard Ordinary Mortality Table, provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured, and such calculations for all policies of industrial insurance shall be made on the basis of the 1941 Standard Industrial Mortality Table. All calculations shall be made on the basis of the rate of interest, not exceeding three and one-half per cent a year, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits. Provided, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than one hundred thirty per cent of the rates of mortality according to the applicable table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.
- (6) In the case of ordinary policies issued on or after the operative date of this paragraph as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table and the rate of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, provided that such rate of interest shall not exceed three and one-half per cent a year, except that a rate of interest not exceeding four per cent a year may be used for policies issued on or after June 1, 1976 and prior to June 1, 1979 and a rate of interest not exceeding five and one-half per cent a year may be used for policies issued on or after June 1, 1979, except that for any single premium whole life or endowment insurance policy a rate of interest not exceeding six and one-half per cent a year may be used, and provided further that, for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than six years younger than the actual age of the insured; provided, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1958 Extended Term Insurance Table; provided further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner. After June 1, 1959, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this paragraph (6) after a specified date before January 1, 1966. After the filing of such notice, then upon such specified date (which shall be the operative date of this paragraph (6) for

such insurer), this paragraph (6) shall become operative with respect to the ordinary policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this paragraph (6) for such insurer shall be January 1, 1966.

- (7) In the case of industrial policies issued on or after the operative date of this paragraph as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table and the rate of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits; provided that such rate of interest shall not exceed three and one-half per cent a year, except that a rate of interest not exceeding four per cent a year may be used for policies issued on or after June 1, 1976 and prior to June 1, 1979 and a rate of interest not exceeding five and one-half per cent a year may be used for policies issued on or after June 1, 1979, except that for any single premium whole life or endowment insurance policy a rate of interest not exceeding six and one-half per cent a year may be used, provided further that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1961 Industrial Extended Term Insurance Table; provided further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner. After May 8, 1965, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this paragraph after a specified date before January 1, 1968. After the filing of such notice, then upon such specified date (which shall be the operative date of this paragraph for such insurer), this paragraph shall become operative with respect to the industrial policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this paragraph for such insurer shall be January 1, 1968.

(f) Calculation of values; life. Any cash surrender value and any paid-up nonforfeiture benefit, available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in subsections (c), (d), and (e) of this section may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding subsection (c) of this section, additional benefits payable:

- (1) In the event of death or dismemberment by accident or accidental means,
- (2) In the event of total and permanent disability,
- (3) As reversionary annuity or deferred reversionary annuity benefits,

- (4) As term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply,
- (5) As term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is twenty-six, is uniform in amount after the child's age is one, and has not become paid up by reason of the death of a parent of the child, and
- (6) As other policy benefits additional to life insurance and endowment benefits,

and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

(g) Exceptions. This section shall not apply to any reinsurance, group insurance, pure endowment, annuity, or reversionary annuity contract, nor to any term policy of uniform amount, or renewal thereof, of fifteen years or less expiring before age sixty-six, for which uniform premiums are payable during the entire term of the policy, nor to any term policy of decreasing amount on which each adjusted premium, calculated as specified in subsection (e) of this section, is less than the adjusted premium so calculated, on such fifteen year term policy issued at the same age and for the same initial amount of insurance nor to any policy which shall be delivered outside this State through an agent or other representative of the insurer issuing the policy.

(h) Operative date. After January 1, 1956, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date within six months from January 1, 1956. After the filing of such notice, then upon such specified date (which shall be the operative date for such insurer), this section shall become operative with respect to the policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this section for such insurer shall be six months from January 1, 1956."

SECTION 3. Chapter 431, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"Sec. 431- Standard nonforfeiture law; individual deferred annuities.**

(a) This section shall be known as the Standard Nonforfeiture Law for Individual Deferred Annuities.

(b) This section shall not apply to any reinsurance, group annuity purchased under a retirement plan or plan of deferred compensation established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code nor apply to any premium deposit fund, variable annuity, investment annuity, immediate annuity, any deferred annuity contract after annuity payments have commenced, or reversionary annuity, nor to any contract which shall be delivered outside this State through an agent or other representative of the insurer issuing the contract.

(c) In the case of contracts issued on or after the operative date of this section as

defined in subsection (d),<sup>†</sup> no contract of annuity, except as stated in subsection (b), shall be delivered or issued for delivery in this State unless it contains in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the contract holder, upon cessation of payment of considerations under the contract.

- (1) That upon cessation of payment of considerations under a contract, the insurer will grant a paid-up annuity benefit on a plan stipulated in the contract of such value as is specified in subsections (e), (f), (g), (h), and (j).
  - (2) If a contract provides for a lump sum settlement at maturity, or at any other time, that upon surrender of the contract at or prior to the commencement of any annuity payments, the insurer will pay in lieu of any paid-up annuity benefit a cash surrender benefit of the amount as specified in subsections (e), (f), (h), and (j). The insurer shall reserve the right to defer the payment of the cash surrender benefit for a period of six months after demand therefor with surrender of the contract.
  - (3) A statement of the mortality table, if any, and interest rates used in calculating any minimum paid-up annuity, cash surrender or death benefits that are guaranteed under the contract, together with sufficient information to determine the amounts of the benefits.
  - (4) A statement that any paid-up annuity, cash surrender or death benefits that may be available under the contract are not less than the minimum benefits required by any statute of the state in which the contract is delivered and an explanation of the manner in which the benefits are altered by the existence of any additional amounts credited by the insurer to the contract, any indebtedness to the company on the contract or any prior withdrawals from or partial surrenders of the contract. Notwithstanding the requirements of this subsection, any deferred annuity contract may provide that if no considerations have been received under a contract for a period of two full years and the portion of the paid-up annuity benefit at maturity on the plan stipulated in the contract arising from considerations paid prior to the period would be less than \$20 monthly, the company may at its option terminate the contract by payment in cash of the then present value of the portion of the paid-up annuity benefit, calculated on the basis of the mortality table, if any, and interest rate specified in the contract for determining the paid-up annuity benefit, and by the payment shall be relieved of any further obligation under the contract.
- (d) The minimum values as specified in subsections (e), (f), (g), (h), and (j) of any paid-up annuity, cash surrender, or death benefits available under an annuity contract shall be based upon minimum nonforfeiture amounts as defined in this subsection.
- (1) With respect to contracts providing for flexible considerations, the minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments shall be equal to an accumulation up to that time at a rate of interest of three per cent per annum of percentages of the net

<sup>†</sup>So in original. Probably should read "(l)".

considerations paid prior to that time, decreased by the sum of:

- (A) Any prior withdrawals from or partial surrenders of the contract accumulated at a rate of interest of three per cent per annum; and
- (B) The amount of any indebtedness to the company on the contract, including interest due and accrued and increased by any existing additional amounts credited by the insurer to the contract.

The net considerations for a given contract year used to define the minimum nonforfeiture amount shall be an amount not less than zero and shall be equal to the corresponding gross considerations credited to the contract during that contract year less an annual contract charge of \$30 and less a collection charge of \$1.25 per consideration credited to the contract during that contract year. The percentages of net considerations shall be sixty-five per cent of the net consideration for the first contract year and eighty-seven and one-half per cent of the net considerations for the second and later contract years. Notwithstanding the provisions of the preceding sentence, the percentage shall be sixty-five per cent of the portion of the total net consideration for any renewal contract year which exceeds by not more than two times the sum of those portions of the net considerations in all prior contract years for which the percentage was sixty-five per cent.

- (2) With respect to contracts providing for fixed scheduled considerations, minimum nonforfeiture amounts shall be calculated on the assumption that considerations are paid annually in advance and shall be defined as for contracts with flexible considerations which are paid annually with two exceptions:

- (A) The portion of the net consideration for the first contract year to be accumulated shall be the sum of sixty-five per cent of the net consideration for the first contract year plus twenty-two and one-half per cent of the excess of the net consideration for the first contract year over the lesser of the net considerations for the second and third contract years.

- (B) The annual contract charge shall be the lesser of \$30 or ten per cent of the gross annual consideration.

- (3) With respect to contracts providing for a single consideration, minimum nonforfeiture amounts shall be defined as for contracts with flexible considerations except that the percentage of net considerations used to determine the minimum nonforfeiture amount shall be equal to ninety per cent and the net consideration shall be the gross consideration less a contract charge of \$75.

(e) Any paid-up annuity benefit available under a contract shall be such that its present value on the date annuity payments are to commence is at least equal to the minimum nonforfeiture amount on that date. The present value shall be computed using the mortality table, if any, and the interest rate specified in the contract for determining the minimum paid-up annuity benefits guaranteed in the contract.

(f) For contracts which provide cash surrender benefits, the cash surrender benefits available prior to maturity shall not be less than the present value as of the date of surrender of that portion of the maturity value of the paid-up annuity benefit which would be provided under the contract at maturity arising from considerations paid prior to the time of cash surrender reduced by the amount appropriate to reflect

any prior withdrawals from or partial surrenders of the contract, the present value being calculated on the basis of an interest rate not more than one per cent higher than the interest rate specified in the contract for accumulating the net considerations to determine the maturity value, decreased by the amount of any indebtedness to the insurer on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the insurer to the contract. In no event shall any cash surrender benefit be less than the minimum nonforfeiture amount at that time. The death benefit under these contracts shall be at least equal to the cash surrender benefit.

(g) For contracts which do not provide cash surrender benefits, the present value of any paid-up annuity benefit available as a nonforfeiture option at any time prior to maturity shall not be less than the present value of that portion of the maturity value of the paid-up annuity benefit provided under the contract arising from considerations paid prior to the time the contract is surrendered in exchange for, or changed to, a deferred paid-up annuity, the present value being calculated for the period prior to the maturity date on the basis of the interest rate specified in the contract for accumulating the net considerations to determine the maturity value, and increased by any existing additional amounts credited by the insurer to the contract. For contracts which do not provide any death benefits prior to the commencement of any annuity payments, the present values shall be calculated on the basis of the interest rate and the mortality table specified in the contract for determining the maturity value of the paid-up annuity benefit. However, in no event shall the present value of a paid-up annuity benefit be less than the minimum nonforfeiture amount at that time.

(h) For the purpose of determining the benefits calculated under subsections (f) and (g), in the case of annuity contracts under which an election may be made to have annuity payments commence at optional maturity dates, the maturity date is to be the latest date for which election shall be permitted by the contract, but is not to be later than the anniversary of the contract next following the annuitant's seventieth birthday or the tenth anniversary of the contract, whichever is later.

(i) Any contract which does not provide cash surrender benefits or does not provide death benefits at least equal to the minimum nonforfeiture amount prior to the commencement of any annuity payments shall include a statement in a prominent place in the contract that the benefits are not provided.

(j) Any paid-up annuity, cash surrender or death benefits available at any time, other than on the contract anniversary under any contract with fixed scheduled considerations, shall be calculated with allowance for the lapse of time and the payment of any scheduled consideration beyond the beginning of the contract year in which cessation of payment of considerations under the contract occurs.

(k) For any contract which provides, within the same contract by rider or supplemental contract provision, both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract. Notwithstanding the provisions of subsections (e), (f), (g), (h), and (j), additional benefits payable in the event of total and permanent disability, as reversionary annuity or deferred reversionary annuity benefits, or as

other policy benefits additional to life insurance, endowment and annuity benefits, and considerations for all such additional benefits, shall be disregarded in ascertaining minimum nonforfeiture amounts, paid-up annuity, cash surrender, and death benefits that may be required by this section. The inclusion of additional benefits shall not be required in any paid-up benefits, unless these additional benefits separately would require minimum nonforfeiture amounts, paid-up annuity, cash surrender, and death benefits.

(1) After June 1, 1979, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date before June 1, 1981. After the filing of the notice, then upon the specified date, which shall be the operative date of this section for the insurer, this section shall become operative with respect to annuity contracts thereafter issued by the insurer. If an insurer makes no election, the operative date of this section for the insurer shall be June 1, 1981."

SECTION 4. Section 434-17, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 434-17 Nonforfeiture benefits, cash surrender values, certificate loans and other options.** (a) A society may grant paid-up nonforfeiture benefits, cash surrender values, certificate loans, and such other options as its laws may permit. As to certificates issued on and after July 10, 1961, a society shall grant at least one paid-up nonforfeiture benefit, except in the case of pure endowment, annuity, or reversionary annuity contracts, reducing term insurance contracts or contracts of term insurance of uniform amount of fifteen years or less expiring before age sixty-six.

(b) In the case of certificates other than those for which reserves are computed on the Commissioners 1941 Standard Ordinary Mortality Table, the Commissioners 1941 Standard Industrial Mortality Table or the Commissioners 1958 Standard Ordinary Mortality Table, or any more recent table made applicable to life insurance companies, the value of every paid-up nonforfeiture benefit and the amount of any cash surrender value, loan, or other option granted shall not be less than the excess, if any, of (1) or (2) as follows:

- (1) The reserve under the certificate determined on the basis specified in the certificate; and
- (2) The sum of any indebtedness to the society on the certificate, including interest due and accrued, and a surrender charge equal to two and one-half per cent of the face amount of the certificate, which, in the case of insurance on the lives of children, shall be the ultimate face amount of the certificate, if death benefits provided therein are graded.

(c) In the case of certificates issued on a substandard basis or in the case of certificates, the reserves for which are computed upon the American Men Ultimate Table of Mortality, the term of any extended insurance benefit granted including accompanying pure endowment, if any, may be computed upon the rates of mortality not greater than one hundred thirty per cent of those shown by the mortality table specified in the certificate for the computation of the reserve.

(d) In the case of certificates for which reserves are computed on the Commissioners 1941 Standard Ordinary Mortality Table, the Commissioners 1941 Standard



Industrial Mortality Table or the Commissioners 1958 Standard Ordinary Mortality Table, or any more recent table made applicable to life insurance companies, every paid-up nonforfeiture benefit and the amount of any cash surrender value, loan, or other option granted shall not be less than the corresponding amount ascertained in accordance with the laws of this State applicable to life insurers issuing policies containing like insurance benefits based upon such tables.”

SECTION 5. Subsection (j) of Section 434-35, Hawaii Revised Statutes, is amended to read as follows:

“(j) The minimum standard of valuation for certificates issued after July 9, 1962 shall be three and one-half per cent interest and the following tables:

- (1) For certificates of life insurance—American Men Ultimate Table of Mortality, with Bowerman’s or Davis’ Extension thereof or with the consent of the commissioner, the Commissioners 1941 Standard Ordinary Mortality Table, the Commissioners 1941 Standard Industrial Mortality Table or the Commissioners 1958 Standard Ordinary Mortality Table, using actual age of the insured for male risks and an age not more than three years younger than the actual age of the insured for female risks;
- (2) For annuity and pure endowment certificates, excluding any disability and accidental death benefits in the certificates—the 1937 Standard Annuity Mortality Table or the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner;
- (3) For total and permanent disability benefits in or supplementary to life insurance certificates—Hunter’s Disability Table or the Class III Disability Table (1926) modified to conform to the contractual waiting period, or the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries with due regard to the type of benefit. Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance certificates;
- (4) For accidental death benefits in or supplementary to life insurance certificates—the Inter-Company Double Indemnity Mortality Table or the 1959 Accidental Death Benefits Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance certificates; and
- (5) For noncancellable accident and health benefits—the Class III Disability Table (1926) with conference modifications or, with the consent of the commissioner, tables based upon the society’s own experience; provided, however, that any society may value its certificates in accordance with valuation standards authorized by the laws of this State for the valuation of policies issued by life insurance companies.”

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 7. This Act shall take effect on June 1, 1979.

(Approved May 12, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

## ACT 33

S.B. NO. 1540

A Bill for an Act Relating to Equipment.

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

SECTION 1. The purpose of this Act is to require the Department of Health, when considering future purchases of equipment, to study possible cost savings of leasing equipment versus outright purchase of such equipment. Such lease options may include, but not limited to, contracts for maintenance, option to buy, and periodic updating of equipment.

SECTION 2. Section 321-7, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 321-7 Disbursement of moneys.** For the purpose of carrying into effect the laws relating to the public health, the department of health may apportion and disburse all sums of money that are appropriated by the legislature for the preservation of the public health. The department shall observe the strictest economy in the expenditure of all public moneys placed under its control. The department shall also consider the alternative of leasing equipment versus equipment purchases. Such lease options may include, but not be limited to, contracts for maintenance, option to buy, and periodic updating of equipment.”

SECTION 3. New statutory material is underscored.\*

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

(Approved May 12, 1979.)

## ACT 34

S.B. NO. 1594

A Bill for an Act Relating to Air Pollution Permit Fees.

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

SECTION 1. The purpose of this Act is to propose an amendment to chapter 342, Hawaii Revised Statutes, to make it consistent with the requirements of the Clean Air Act Amendments of 1977 P.L. 95-95, amending Section 10(a) (2) (K) of the Clean Air Act.

SECTION 2. Part II, chapter 342, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“Sec. 342- Fees.** The director may, in addition to the fees established under section 342-4, establish reasonable fees for the implementation and enforcement of the terms and conditions of permits and variances issued under this part (not including court costs or other costs associated with any formal enforcement action). The fees shall be deposited to the credit of the general fund.”

SECTION 3. New statutory material is underscored.\*

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

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

(Approved May 12, 1979.)

A Bill for an Act Relating to the State Immigrant Services Center.

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

SECTION 1. Section 202-9, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 202-9 State immigrant services center.** There shall be a state immigrant services center within the office of the governor. The governor shall appoint a director of the state immigrant services center and the director may employ such other personnel as the director deems advisable. The director and other personnel shall be exempt from chapters 76 and 77.

At the direction of the governor, the director shall:

- (1) Assist and coordinate the efforts of public and private agencies in providing services to immigrants and non-English speaking residents;
- (2) Provide information on the varied services available in Hawaii and refer the immigrants to appropriate agencies;
- (3) Provide counseling, acculturation program, outreach and other support services necessary for immigrants to become economically productive and socially adjusted;
- (4) Encourage local and ethnic groups and community organizations to develop programs for immigrants and their families;
- (5) Compile information concerning immigrants and conduct or contract for studies on problems faced by them;
- (6) Gather and develop information to aid the prospective immigrant and his sponsor in complying with U.S. Immigration and related laws, and to develop a suitable orientation program for the immigrant upon reaching Hawaii;
- (7) Serve as liaison on immigration matters of broad community concern, as well as individual problems of immigrants;
- (8) Make recommendations to the administration, the legislature, and community organizations for improving services to immigrants;
- (9) Review and comment upon grant proposals for immigrant service agencies requesting funding from State and federal sources; and
- (10) Assist and coordinate efforts in helping refugees in Hawaii become adjusted and productive members of American society.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 12, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

## ACT 36

H.B. NO. 598

A Bill for an Act Relating to the Uniform Securities Act (Modified).

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

SECTION 1. Section 485-14, Hawaii Revised Statutes, is amended by amending subsection (g) to read:

“(g) Recording; duration; renewal; fee. The name and addresses of all persons found eligible for registration as dealers or salesmen and all orders with respect thereto shall be recorded in a register of dealers and salesmen kept in the office of the commissioner which shall be open to public inspection. Except as hereinafter provided, every registration under this section shall expire on December 31 in each odd-numbered year. Applications for renewals shall be made not less than thirty nor more than sixty days before the end of the odd-numbered year. Any applicant for renewal of a dealer or salesman license who does not submit his application within the time prescribed by this section shall pay a penalty of one hundred per cent of the applicable renewal fee. Any applicant for renewal of a dealer license who submits his application after December 31 of the odd-numbered year shall be required to reapply as a new dealer. The registration of any salesman may be revoked or terminated prior to its expiration by written notice filed with the commissioner by the registered dealer or registered salesman concerned, and the revocation shall take effect as of the date and time of filing of the notice. Upon revocation or termination of the registration of any salesman, the salesman’s certificate of registration shall be surrendered to the commissioner for cancellation. The fee for registration and for each biennial renewal shall be \$50 in the case of dealers and \$10 in the case of salesmen.”

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

(Approved May 12, 1979.)

## ACT 37

H.B. NO. 1640

A Bill for an Act Relating to the Importation of Liquor for Trade Shows.

*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 designated and to read:

“**Sec. 281- Permits for trade shows.** Notwithstanding any other provision to the contrary, any trade exhibitor or trade organization may apply to the liquor commission and be issued, for a nominal fee, a permit to receive liquor from outside the State for display and sampling on a not-for-sale basis at trade exhibitions, subject to the following conditions:

- (1) A bond equal to the declared value shall be posted with and payable to the liquor commission which bond would be forfeited should the exhibitor fail to comply with the terms of the permit;

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

- (2) All applicable state and other taxes shall be paid;
- (3) Within thirty days after the close of the exhibition the permittee will provide proof to the liquor commission that all liquor not disposed of by the end of the trade exhibition has been sold to a licensed wholesaler, destroyed under the supervision of the liquor commission or re-exported;
- (4) The value of liquor covered by the permit shall not exceed f.o.b. (free on board) \$2,000 per exhibitor;
- (5) The dispensing of not-for-sale samples by consumption shall take place only at the trade exhibition site during the hours between which licensed premises of dispensers are permitted to be opened for the transaction of business in the county where the premises are located; and
- (6) No liquor shall leave the trade exhibition site, except as provided in paragraph (3) above."

SECTION 2. New statutory material is underscored.\*

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

(Approved May 12, 1979.)

ACT 38

H.B. NO. 1355

A Bill for an Act Relating to Fishing.

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

SECTION 1. Section 188-35, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 188-35 Fishing in Waikiki and other waters; penalty.** It shall be unlawful for any person to fish in the waters of the Waikiki reclamation canal, the drainage canal constructed in connection with Kapiolani Boulevard, the Kapalama drainage canal, off Heeia-kea wharf, within that portion of Waiialua Bay delineated on the seaward boundary by lines drawn 100 yards seaward of and parallel to the Haleiwa Harbor Breakwater and 100 yards seaward of and parallel to the Haleiwa Beach Groin including the extension to the intercept of these lines and the inland boundary consisting of a line drawn 10 yards downstream of and parallel to the Anahulu Bridge and within that portion of Pokai Bay including the Pokai Boat Harbor and the Waianae Small Boat Harbor delineated on the seaward boundary by a straight line drawn from Kaneilio Point to Lahilahi Point with the northwestern boundary to [be]† delineated by a straight line extending from the southernmost tip of the point immediately seaward of Waianae High School on a southwest azimuth to the intercept of the seaward boundary extending from Kaneilio Point to Lahilahi Point, or the Kapaa and Waikaena canals on Kauai, with any device whatsoever, except as hereinafter provided.

With reference to any of the places or areas named above, any person may at any time fish or take any fish with one line, or one rod and line, provided the line shall

†Bracketed word added by Revisor.

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

not have more than two hooks; or may take crabs with not more than ten nets, provided the nets shall not exceed two feet in diameter; or may take shrimps for bait purposes only with a hand net, provided the net shall not exceed three feet in any dimension; provided that in the Waikiki reclamation canal any person may take up to fifty tabai or mosquito fish, or o'opu akupa, or tilapia or any combination thereof, per day, for non-commercial purposes only, with a single small mesh net, provided that the net including any handle and other attachment thereto shall not exceed three feet in any dimension.

With a permit obtained from the department of land and natural resources and under such rules and regulations as the department may prescribe, the owner or operator of a fish pond may take pua or other small fish, using nets, for the purpose of stocking such fish pond.

With a permit from the department, commercial fishermen may take nehu or iao, using nets, for bait purposes only.

The department may issue such permits at its discretion and at any time may revoke any or all such permits when, in its judgment, the action is necessary to preserve the stock of fish in the canals or waters.

Any person who violates this section shall be fined not less than \$25 nor more than \$200, or imprisoned not more than six months, or both."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 12, 1979.)

## ACT 39

H.B. NO. 1673

A Bill for an Act Relating to the Institute for Management and Analysis.

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

SECTION 1. Section 81-16, Hawaii Revised Statutes, is repealed.

SECTION 2. Section 81-17, Hawaii Revised Statutes, is amended to read:

**"Sec. 81-17 Financing of operations, revolving fund.** Revenues for the operation of the institute may be provided through the charging of tuition or such other fees as may be necessary to operate institute programs for services rendered to participating agencies and shall be made part of a revolving fund hereby established. The institute may receive donations and gifts from other agencies, public and private, domestic and foreign, which are to be used at the discretion of the director of the institute to further the purposes of the institute. Such revenues, donations, and gifts shall be made a part of the revolving fund."

SECTION 3. Section 81-18, Hawaii Revised Statutes, is repealed.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.\*

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

SECTION 5. This Act shall take effect on July 1, 1979.

(Approved May 12, 1979.)

A Bill for an Act Relating to Workers' Compensation.

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

SECTION 1. Section 386-1, Hawaii Revised Statutes, is amended by amending the definition of "employment" to read:

" "Employment" means any service performed by an individual for another person under any contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully entered into. It includes service of public officials, whether elected or under any appointment or contract of hire express or implied.

" "Employment" does not include the following service:

- (1) Service for a religious, charitable, educational, or nonprofit organization if performed in a voluntary or unpaid capacity;
- (2) Service for a religious, charitable, educational, or nonprofit organization if performed by a recipient of aid therefrom and the service is incidental to or in return for the aid received;
- (3) Service for a school, college, university, college club, fraternity, or sorority if performed by a student who is enrolled and regularly attending classes and in return for board, lodging, or tuition furnished, in whole or in part;
- (4) Service performed by a duly ordained, commissioned, or licensed minister, priest, or rabbi of a church in the exercise of his ministry or by a member of a religious order in the exercise of nonsecular duties required by the order.
- (5) Service performed by an individual for another person solely for personal, family, or household purposes if the cash remuneration received is less than \$225 during the current calendar quarter and during each completed calendar quarter of the preceding twelve month period.
- (6) Domestic, which includes attendant care, and day care services authorized by the department of social services and housing under the Social Security Act, as amended, performed by an individual in the employ of a recipient of social service payments.
- (7) Service performed without wages for a corporation without employees by a corporate officer in which he is at least a twenty-five per cent stockholder.

As used in this paragraph "religious, charitable, educational, or nonprofit organization" means a corporation, unincorporated association, community chest, fund, or foundation organized and operated exclusively for religious, charitable, or educational purposes, no part of the net earnings of which inure to the benefit of any private shareholder or individual."

SECTION 2. New statutory material is underscored.\*

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

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

(Approved May 14, 1979.)

ACT 41

S.B. NO. 1753

A Bill for an Act Relating to Motor Carriers.

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

SECTION 1. Section 271-27, Hawaii Revised Statutes, is amended to read:

**"Sec. 271-27 Unlawful operation.** (a) Any person knowingly and wilfully violating any provision of this chapter, or any rule, regulation, requirement, or order thereunder, or any term or condition of any certificate or permit for which a penalty is not otherwise herein provided, shall be guilty of a misdemeanor.

(b) Any person, whether carrier, shipper, or consignee, or any officer, employee, agent, or representative thereof, who knowingly offers, grants, or gives, or solicits, accepts, or receives any rebate, concession, or discrimination in violation of any provisions of this chapter, or who by means of any false statement or representation or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease, or bill of sale, or by any other means or device, knowingly and wilfully assists, suffers, or permits any person or persons, natural or artificial, to obtain transportation of passengers or property subject to this chapter for less than the applicable rate, fare, or charge, or who knowingly and wilfully by any such means or otherwise fraudulently seeks to evade or defeat regulation as in this chapter provided for motor carriers, shall be deemed guilty of a misdemeanor.

(c) Any special agent, accountant, or examiner who knowingly and wilfully divulges any fact or information which may come to his knowledge during the course of any examination or inspection made under authority of sections 271-9(a)(5), 271-23, and 271-25, except as he may be directed by the commission or by a court or judge thereof, shall be guilty of a misdemeanor.

(d) It shall be unlawful for any motor carrier or any officer, receiver, trustee, lessee, agent, or employee of the carrier, or for any other person authorized by such carrier or person to receive information, knowingly to disclose to, or permit to be acquired by any person other than the shipper or consignee without the consent of the shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to the motor carrier for transportation, which information may be used to the detriment or prejudice of the shipper or consignee, or which may improperly disclose his business transactions to a competitor; and it shall also be unlawful for any person to solicit or knowingly receive any such information which may be so used.

(e) Nothing in this chapter shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any court, or to any officer or agent of the government of the United States or of any state or of any political subdivision of any state, in the exercise of his power or to any officer or other duly authorized person seeking the information for the prosecution of persons charged with or suspected of crimes or to another carrier, or its duly authorized



agents, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of the carriers.

(f) Any motor carrier or any officer, agent, employee, or representative thereof, who wilfully fails or refuses to make a report to the commission as required by this chapter, or to make specific and full, true, and correct answer to any question within thirty days from the time it is lawfully required by the commission, or to keep accounts, records, and memoranda in the form and manner prescribed by the commission, or knowingly and wilfully falsifies, destroys, mutilates, or alters any report, account, record, or memorandum or knowingly and wilfully files with the commission any false report, account, record, or memorandum, or knowingly and wilfully neglects or fails to make full, true, and correct entries in the accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, or person required under this chapter to keep the same, or knowingly and wilfully keeps [any] accounts, records, or memoranda contrary to the rules, regulations, or orders of the commission with respect thereto, shall be deemed guilty of a misdemeanor. As used in this subsection, the words "keep" and "kept" mean made, prepared, or compiled, as well as retained.

(g) Any motor carrier or lessor, or any officer, agent, employee, or representative thereof, who shall fail or refuse to comply with any provision of this chapter, or any rule, regulation, requirement or order thereunder, may be assessed a civil penalty payable to the State in the sum of \$100 for each such offense, and, in the case of a continuing violation, not to exceed \$50 for each additional day during which such failure or refusal shall continue.

(h) Notwithstanding subsection (g), a motor carrier who fails to file, within the prescribed time, a financial report with the commission pursuant to its rules and regulations shall be assessed a civil penalty payable to the State in the sum of one-sixteenth of one percent of the gross revenues from the motor carrier's business during the preceding calendar year, if the failure is for not more than one month, with an additional one-sixteenth of one percent for each additional month or fraction thereof during which the failure continues, but in no event shall the total civil penalty be less than the sum of \$50.

[(h)] (i) Except when required by state law to take immediately before a district judge a person arrested for violation of any provision of this chapter, including any rule or regulation adopted and promulgated pursuant to this chapter, any person authorized to enforce the provisions of this chapter, hereinafter referred to as enforcement officer, upon arresting a person for violation of any provision of this chapter, including any rule or regulation adopted and promulgated pursuant to this chapter shall issue to the alleged violator 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 such arrest.

The summons or citation shall be printed in a form comparable to the form of other summonses and citations used for arresting offenders and shall be designed to provide for inclusion of all necessary information. The form and content of such summons or citation shall be adopted or prescribed by the district courts.

The original of a summons or citation shall be given to the alleged violator and the other copy or copies distributed in the manner prescribed by the district courts;

provided that the district courts may prescribe alternative methods of distribution for the original and any other copy.

Summonses and citations shall be consecutively numbered and the carbon copy or copies of each shall bear the same number.

Any person who fails to appear at the place and within the time specified in the summons or citation issued to him by the enforcement officer upon his arrest for violation of any provision of this chapter, including any rule or regulation promulgated pursuant to this chapter, shall be guilty of a misdemeanor.

In the event any person fails to comply with a summons or citation issued to such person, or if any person fails or refuses to deposit bail as required, the enforcement officer shall cause a complaint to be entered against such person and secure the issuance of a warrant for his arrest.

When a complaint is made to any prosecuting officer of the violation of any provision of this chapter, including any rule or regulation promulgated thereunder, the enforcement officer who issued the summons or citation shall subscribe to it under oath administered by another official [of the department of regulatory agencies] whose name has been submitted to the prosecuting officer and who has been designated by the director of regulatory agencies to administer the same."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 14, 1979.)

## ACT 42

H.B. NO. 21

A Bill for an Act Relating to the Auditor.

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

SECTION 1. Section 23-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The auditor shall conduct postaudits of the transactions, accounts, programs and performance of all departments, offices, and agencies of the State and its political subdivisions. The postaudits and all examinations to discover evidence of any unauthorized, illegal, irregular, improper, or unsafe handling or expenditure of state funds, or other improper practice of financial administration shall be conducted at least once in every two years after the close of a fiscal year, and at such other time or times during the fiscal year as he shall deem necessary or as may be required by the legislature for the purpose of certifying to the accuracy of all financial statements issued by the respective accounting officers and of determining the validity of expenditures of state or public funds."

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

(Approved May 14, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

A Bill for an Act Relating to County Bonds.

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

SECTION 1. Section 47-2, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 47-2 Issuance authorized; limitation.** Each county in the State shall have the power to issue general obligation bonds of the county within the limitation, for the purpose, upon the terms, and in the manner in this part, stated, and such general obligation bonds are hereby authorized to be issued. The total funded debt of the county that is outstanding and unpaid at any time shall not exceed the sum equal to fifteen per cent of the total of the assessed values for tax rate purposes of real property in the county, as determined by the last tax assessment rolls pursuant to law. In determining the total funded debt of the county there shall be excluded bonds of the county which may be excluded therefrom by reasons of clauses 1, 2, 3, 4, 5, 6, 8, and 9 of section 13 of Article VII of the Constitution of the State and there shall be included the principal amount then outstanding of general obligation bonds issued by the State for the county, to the extent such principal amount is required to be included by clause 7 of section 13 of Article VII of the Constitution.”

SECTION 2. Section 47-2.1, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 47-2.1 Bonds for revenue-producing undertakings.** General obligation bonds may be issued under this part for an undertaking as defined in section 49-1 or for any other undertaking for which such bonds are authorized to be issued by other provisions of general law. Such bonds may be combined into, issued, and sold with other general obligation bonds of the county as a single issue of bonds. The governing body may require that the general fund of the county shall be reimbursed from the revenue of the undertaking for all of the principal of and interest on such bonds, or for such part thereof as the governing body may determine, and may further provide that such bonds shall be additionally secured by a pledge of the revenues of the undertaking, subject to the rights of the holder of any bonds then outstanding and the provisions of the ordinances or resolutions authorizing the outstanding bonds. Whenever the undertaking shall be under the management and control of a department or board of the county and such department or board has the power and authority under chapter 49 to issue revenue bonds under that chapter, no bonds shall be authorized under this chapter for such undertaking by the governing body of the county unless such department or board by resolution shall have requested the issuance thereof and no pledge of the revenue of the undertaking shall be made to the payment and security of the bonds unless consented to by the department or board, and if so required by chapter 49, or by charter or by the provisions of the resolutions securing the revenue bonds issued for the undertaking, such pledge may be made by the department or board in the resolution requesting the issuance of the proposed bond issue.”

SECTION 3. Section 47-7, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 47-7 Issuance, interest rate, denominations, maturities, places payable, registration, redemption, medium of payment, sale, or other disposal. (a)** The director of finance of the county may, upon authorization of its governing body, issue from time to time and in accordance with the provisions of this chapter, bonds of the county authorized for issuance by the governing body thereof. All bonds issued under authority of this chapter:

- (1) Shall bear interest payable semi-annually at a coupon or stated rate or rates not exceeding eight per cent a year;
- (2) If for a term exceeding two years, shall be in serial form maturing in substantially equal installments of principal, or maturing in substantially equal installments of both principal and interest, the first installment of principal to mature not later than five years from the date of issue of such series and the last installment not later than twenty-five years from the date of such issue and the last installment on general obligation bonds sold to the federal government shall mature not later than thirty-five years from the date of such issue;
- (3) May be payable as to both principal and interest at places within and without the State;
- (4) May be issued in coupon form without privilege of registration or registrable as to principal only or as to both principal and interest or in fully registrable form;
- (5) May be made redeemable at any time or times prior to their stated maturities at prices not exceeding one hundred four per cent of the par value thereof; and
- (6) Shall be payable, as to principal, premium, if any, and interest, in any coin or currency of the United States which at the time of payment is legal tender for public and private debts.

(b) Unless the governing body shall itself perform the actions, the director of finance of each county, from time to time and without further authorization of the governing body, shall determine the form, date, denominations, and maturities of the bonds theretofore authorized by the governing body to be issued under the authority of this chapter, the place or places within or without the State at which the principal and interest of the bonds or any of them shall be payable and at which the bonds may be registered, and the time or times, prices, and method of their redemption, and the basis of award of such bonds, and shall offer for sale and sell the whole or any part of any issue of the bonds. The bonds shall be sold for not less than their par value, and shall be sold by means of public advertisement for tenders, either (1) with the interest rate or rates to be borne by the bonds having theretofore been fixed by the governing body, in which event the bonds shall be sold to the bidder offering the highest price therefor, or (2) with the interest rate or rates to be borne by the bonds to be specified by the bidders therefor, in which event the bonds shall be sold in accordance with the provisions of subsection (c).

(c) The bonds shall be sold on one or the other of the following bases:

- (1) To the bidder offering to purchase the bonds at the lowest interest cost, such interest cost for the purpose of this paragraph being the figure obtained by adding together the amounts of interest payable on the bonds from their date to their respective maturity dates at the rate or rates specified by the bidder

and deducting from the sum obtained the amount of any premium offered by the bidder, or

- (2) To the bidder offering to purchase the bonds at the lowest interest cost, such interest cost for the purpose of this paragraph being the rate obtained by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the principal and interest payments on the bonds from the dates of payment thereof to the date of the bonds and to the price bid (the price bid for the purpose of this paragraph shall not include the amount of interest accrued on the bonds from their date to the date of delivery and payment therefor);

provided that in any case the right shall be reserved to reject any and all bids and waive any irregularity or informality in any bid.

(d) Bonds offered for sale without a specified rate or rates of interest shall, without further action of the governing body, bear interest at the rate or rates specified by the successful bidder therefor. The advertisement for tenders required by this section shall be published at least once and at least five days prior to the date of the sale in a newspaper circulating in the county and in a financial newspaper or newspapers published in any of the cities of New York, Chicago, or San Francisco, and shall set forth therein the basis to be used in determining the successful bidder. Notwithstanding the foregoing provisions of this section as to public sale, any bonds authorized pursuant to this chapter may, with the approval of the governing body, be sold by the director of finance at private sale to the United States, the State, or any board, agency, or instrumentality of either thereof, or may, with the approval of the governing body, be deposited by the director of finance with and pledged to, or be otherwise disposed of to any board, agency, or instrumentality of the State or of the United States government to secure the repayment of or an actual payment of, any loans or advances made or to be made, under the authority of an act or acts of the legislature of Hawaii or of the Congress of the United States authorizing the loans or advances by the board, agency, or instrumentality to the county for the construction in whole or in part of any public improvement, the cost of which or any part thereof, would be payable out of the proceeds of the bonds, if sold."

SECTION 4. Chapter 47C, Hawaii Revised Statutes, is amended as follows:

1. The title of chapter 47C is amended to read:

**“INDEBTEDNESS OF THE COUNTIES, EXCLUSIONS  
FROM THE FUNDED DEBT  
AND CERTIFICATION THEREOF”**

2. Sections 47C-1 to 47C-4 are amended to read:

**“Sec. 47C-1 Definitions.** As used in sections 47C-1 through 47C-6, the following words and terms shall have the following meanings or inclusions:

“Chairman of the finance committee” shall mean the chairman of the finance committee of the council of the county, or if the council of the county does not have a finance committee, the member of the council appointed by the council to perform the functions required by this chapter to be performed by the chairman of the finance committee of the council.

“Corporation counsel” shall mean the chief legal advisor or legal representative of the county.

“County” shall include each county of the State, including the city and county of Honolulu.

“Director of finance” shall mean the director of finance of the county, or if the county does not have a director of finance, the officer of the county in whom is vested the functions and powers of maintaining the treasury of the county and issuing and selling, paying interest on, and redeeming bonds of the county.

“Fiscal year” shall mean the fiscal year of the county as defined in section 46-41.

“Special assessment bonds” shall mean bonds issued under special improvement statutes when the only security for such bonds is the properties benefited or improved or the assessments thereon.

As used in sections 47C-1 through 47C-6, the words or terms “bonds”, “general obligation bonds”, “net revenue”, “net user tax receipts”, “reimbursable general obligation bonds”, “revenue bonds”, “special purpose revenue bonds”, and “user tax” shall have the respective meanings and inclusions given to such words and terms in section 12 of Article VII of the Constitution.

**Sec. 47C-2 Determination of funded debt.** Within ninety days after the last day of each fiscal year, the director of finance of each county shall ascertain and set forth in a tabular summary the total indebtedness of the county outstanding and unpaid as of the last day of such fiscal year. The summary shall include the following:

- (1) An itemization of the total principal amount of all general obligation bonds, reimbursable general obligation bonds, revenue bonds, special assessment bonds, special purpose revenue bonds, and all other bonds of the county outstanding and unpaid, including bonds which may be excluded under clauses 1, 2, 3, 4, 5, 6, 8, and 9 of section 13 of Article VII of the Constitution when determining the funded debt of the county for the purposes of that section together with a grand total of such total principal amounts.
- (2) The total principal amount of all bonds of the State required by clause 7 of section 13 of Article VII of the Constitution to be included when determining the funded debt of the county for the purposes of that section.
- (3) A grand total of the total principal amounts set forth in the summary pursuant to paragraphs (1) and (2) of this section.
- (4) An itemization of the total of the principal amount of all general obligation bonds, reimbursable general obligation bonds, revenue bonds, special assessment bonds, and special purpose revenue bonds of the county outstanding and unpaid which may be excluded under clauses 1, 2, 3, 4, 5, 6, 8, and 9 of section 13 of Article VII of the Constitution when determining the total funded debt of the county for the purposes of that section, together with a grand total of such total principal amounts.
- (5) The difference between the grand total principal amount set forth in the summary pursuant to paragraph (3) of this section and the grand total principal amount set forth in the summary pursuant to paragraph (4) of this section.

The director of finance shall also prepare and attach to the tabular summary such supporting schedules as may be required to set forth in detail the bonds included in the itemizations required by paragraphs (1) and (4) of this section. Such supporting schedules shall also set forth or make reference to the relevant statutory, charter, ordinance, or other legal provision, and the relevant figures of assessment collections, revenues, user tax receipts, cost of operation, maintenance, and repair, net revenues, net user tax receipts, reimbursements to the general fund, and other financial information, justifying the inclusion of such bonds in the itemization required by paragraph (4) of this section. The director of finance shall indicate in the supporting schedules whether the financial findings and figures are based upon the records of his office or upon audited statements and reports, and if based upon the latter, shall identify in the schedules the audited reports and statements.

**Sec. 47C-3 Supplemental determination.** Whenever the county proposes to issue bonds, the director of finance shall prepare a supplemental summary of the indebtedness of the county setting forth therein such information and findings as of a date within thirty days of the delivery of such bonds as will bring up to date and make current the most recent summary prepared in accordance with the provisions of section 47C-2. The director of finance shall also prepare and attach to such supplemental summary such supporting schedules as may be required to set forth in detail the variations and changes from the summary prepared in accordance with section 47C-2, including such legal and financial findings as will justify any changes in the itemizations set forth in such previous summary pursuant to the requirements of paragraph (4) of section 47C-2. If all the bonds proposed to be issued may be excluded when determining the funded debt of the county for the purposes of section 13 of Article VII of the Constitution by reason of the provisions of clause 2 or 4 of that section, the supplemental summary and supporting schedules may be limited to such bonds and findings as are necessary to justify such exclusion under such clauses.

In the event proceeds of the bonds proposed to be issued are to be applied to the retirement in the then fiscal year of outstanding bonds, including notes issued in anticipation of the issuance of the bonds proposed to be issued, for the purpose of applying the provisions of clause 1 of section 13 of Article VII of the Constitution to the bonds to be retired, that amount of such proceeds to be so applied may be considered and treated as moneys irrevocably set aside for the payment of such bonds.

**Sec. 47C-4 Exclusionary provisions.** The provisions of this section shall be applicable in determining whether any bonds or portion thereof may be excluded under section 13 of Article VII of the Constitution when determining the funded debt of the county for the purposes of that section.

In the event that any general obligation bonds have been issued for assessable improvements, only the principal amount of such bonds for which at least one interest payment date has elapsed may be excluded by reason of the provisions of clause 5 of section 13 of Article VII of the Constitution. Subject to the provisions of the preceding sentence, the principal amount of general obligation bonds issued for assessable public improvements which may be excluded by reason of the provisions of clause 5 shall be that percentage of the total principal amount of such bonds which is equal to the percentage of the total of the principal and interest of such bonds theretofore becoming due for the payment of which reimbursement has been made to the general

fund of the county from assessment collections available therefor.

In the event that any general obligation bonds have been issued for a public undertaking, improvement, or system from which revenues, user taxes, or a combination of both may be derived for the payment of all or part of the principal and interest as reimbursement to the general fund, only the principal amount of such bonds issued prior to the then current fiscal year and for which at least one interest payment date has elapsed may be excluded by reasons of the provisions of clause 6 of section 13 of Article VII of the Constitution. Subject to the provisions of the last sentence, the principal amount of general obligation bonds issued for such a public undertaking, improvement, or system which may be excluded by reason of such clause 6 shall be that percentage of the total principal amount of such bonds which is equal to the percentage of the principal and interest of such bonds which became due in the immediately preceding fiscal year for the payment of which reimbursement was made to the general fund of the county from the net revenue, net user tax receipts, or a combination of both, derived from such public undertaking, improvement, or system in such immediately preceding fiscal year. Amounts received from the federal government for the payment or reimbursement of costs of operation, maintenance, and repair of a public undertaking, improvement, or system or for the payment of the principal and interest of bonds issued for such public undertaking, improvement, or system, may be considered and treated as revenues of such undertaking, improvement, or system. Amounts derived from any extra or special motor vehicle fuel tax by law set aside for the use of a county, and amounts received by a county as its share of any motor vehicle fuel taxes or motor vehicle license fees, may be considered and treated as revenue of any street or highway undertaking, improvement, or system of the county, including any tunnels, bridges, or overpasses for the movement of motor vehicles. If the costs of operation, maintenance, and repair of a public undertaking, improvement, or system are the responsibility of the State or a governmental body other than the county, the county shall not be deemed to derive net revenue, or net user taxes, or combination of both, from such undertaking, improvement, or system unless the amount of revenues, or user taxes, or combination of both, received by the State or such other governmental body from such undertaking, improvement, or system are at least equal to such costs of operation, maintenance, and repair.

Amounts received from on-street parking may be considered and treated as revenues of a parking undertaking.”

3. Section 47C-7 is amended to read:

“**Sec. 47C-7 Effect of summary.** In the event of the issuance of bonds by the county, the summary most recently prepared pursuant to section 47C-2 prior to the issuance of such bonds, together with the supplementary summary pertaining to such issuance prepared pursuant to section 47C-3, both as certified to the council, shall be utilized in determining whether the issuance of such bonds would cause the limit set forth in section 13 of Article VII of the Constitution on the funded debt of the county to be exceeded by such issuance. Such summaries shall be conclusive as to all items therein concurred to by the corporation counsel and the chairman of the finance committee and as to all items therein revised to reflect the findings of the council of the county upon public hearing or the findings and determination of the circuit court in a declaratory judgment action. In the event that the disagreement of the corporation



counsel or the chairman of the finance committee as to any item in a summary or supporting schedules has not been resolved upon public hearing or by a declaratory judgment action, the bonds or portion thereof to which such disagreement pertains shall be included in determining the funded debt of the county for the purposes of section 13 of Article VII of the Constitution unless and until such disagreement is resolved upon public hearing or by a declaratory judgment action.”

SECTION 5. Section 49-1, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 49-1 Definitions.** Whenever used in this chapter, unless a different meaning clearly appears from the context:

The term “undertaking” means any one or combination of two or more of the following—water, sewerage, gas or electric, heat, light or power works, plants, and systems, together with all parts thereof and appurtenances thereto, including, but not limited to, supply and distribution systems, reservoirs, dams, sewage treatment and disposal works, and generating plants. The term “undertaking” also means the public off-street parking facilities as defined in chapter 56.

The term “municipality” embraces the city and county of Honolulu and the other counties of the State, the board of water supply of the city and county of Honolulu, and the boards of water supply of the other counties of the State.

The term “governing body” includes councils, bodies, and boards, by whatsoever names they may be known, having charge of the finances of a municipality.”

SECTION 6. Section 49-3, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 49-3 Additional powers of municipalities.** In addition to the powers which it may now have, any municipality may under this chapter:

- (1) Construct, acquire by gift, purchase, or the exercise of the right of eminent domain, reconstruct, improve, better, or extend any undertaking, within or without the municipality, or partially within or partially without the municipality, and acquire by gift, purchase, or the exercise of the right of eminent domain, lands or rights in land or water rights in connection therewith;
- (2) Operate and maintain any undertaking and furnish the services, facilities, and commodities thereof for its own use and for the use of public and private consumers within or without the territorial boundaries of the municipality;
- (3) Issue its bonds to finance in whole or in part the cost of the acquisition, purchase, construction, reconstruction, improvement, betterment, or extension of any undertaking;
- (4) Prescribe and collect rates, fees, rentals, and charges for the services, facilities, and commodities furnished by the undertaking; and
- (5) Pledge to the punctual payment of the bonds and interest thereon an amount of the revenues of the undertaking (including improvements, betterments, or extensions thereto thereafter constructed or acquired) or of any part of the undertaking, sufficient to pay the bonds and interest as the same shall become due and create and maintain reasonable reserves therefor. The

amount may consist of all or any part or portion of the revenue. The governing body of the municipality in determining the cost may include all costs and estimated costs of the issuance of the bonds, all engineering, inspection, fiscal, and legal expenses, and interest which it is estimated will accrue during the construction period and for six months thereafter on money borrowed or which it is estimated will be borrowed pursuant to this chapter.”

SECTION 7. Section 49-5, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 49-5 Covenants in resolution authorizing issuance of bonds.** Any resolution or resolutions authorizing the issuance of bonds under this chapter may contain covenants as to:

- (1) Purpose or purposes to which the proceeds of sale of the bonds may be applied and the use and disposition thereof;
- (2) Use and disposition of the revenue of the undertaking for which the bonds are to be issued, including the creation and maintenance of reserves;
- (3) Transfer from the general funds of the municipality to the account or accounts of the undertaking an amount equal to the cost of furnishing the municipality or any of its departments, boards, or agencies, at their request, with the services, facilities, and commodities of the undertaking;
- (4) Issuance of other or additional bonds payable from the revenue of the undertaking;
- (5) Operation and maintenance of the undertaking;
- (6) Insurance to be carried thereon and the use and disposition of insurance moneys;
- (7) Books of account and the inspection and audit thereof; and
- (8) Terms and conditions upon which the holders of the bonds or any proportion of them or any trustee therefor shall be entitled to the appointment of a receiver by any court of competent jurisdiction, which court shall have jurisdiction in the proceedings, and which receiver may enter and take possession of the undertaking, operate and maintain the same, prescribe rates, fees, rentals, or charges, and collect, receive, and apply all revenue thereafter arising therefrom in the same manner as the municipality itself might do.

The provisions of this chapter and the resolution or resolutions shall be a contract with the holder or holders of the bonds, and the duties of the municipality and of its governing body and officers under this chapter and the resolution or resolutions shall be enforceable by any bondholder, by mandamus or other appropriate suit, action, or proceeding in any court of competent jurisdiction.”

SECTION 8. Section 49-9, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 49-9 Undertakings to be self-supporting.** The governing body of a municipality issuing bonds pursuant to this chapter shall prescribe and collect reasonable rates, fees, rentals, or charges for the services, facilities, and commodities of the undertaking, and shall revise the rates, fees, rentals, or charges from time to time

whenever necessary so that the undertaking shall be and always remain self-supporting. The rates, fees, rentals, or charges prescribed shall be such as will produce revenue at least sufficient:

- (1) 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, and
- (2) To provide for all expenses of operation and maintenance of the undertaking, including reserves therefor.”

SECTION 9. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 10. This Act shall take effect upon its approval.

(Approved May 14, 1979.)

ACT 44

H.B. NO. 580

A Bill for an Act Relating to Adult Education Program.

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

SECTION 1. Section 301-2, Hawaii Revised Statutes, is amended to read:

“**Sec. 301-2 Scope of adult education courses offered.** As rapidly as facilities are available and interest is developed, courses shall be initiated in the following fields:

- (1) Basic elementary education. A foundation program in reading and speaking English, writing, and arithmetic for persons with no schooling or only primary grade training;
- (2) Advanced elementary education. A program in advanced elementary education for those persons who have completed four to eight years of schooling and who desire to obtain more complete mastery of the fundamentals;
- (3) Secondary education. A program of secondary education for those adults who, in youth, left school or for some reason had their education curtailed and who now desire to continue their education; for those youths who have been excepted from compulsory attendance under section 298-9; and for those youths who are in need of courses to complete their high school graduation requirements;
- (4) Homemaking and parent education. A program in homemaking and parent education for all those parents and other adults who desire training in family life, including child care, nursing, budgeting, and other instruction basic to homemaking;
- (5) Civic training. A program of understanding and enlightenment in civic duties, responsibilities, and obligations for all persons who desire to keep pace with today’s community, national, and world developments and who

\* The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

- realize the necessity of continuing study for the adequate fulfillment of their civic functions;
- (6) Naturalization training. The standard course of training provided by the United States Immigration and Naturalization Service which shall be provided to all those who have filed applications for United States citizenship and desire to enroll in such a course under the supervision of the adult education division;
  - (7) Cultural opportunities. A program of adult education that will meet the interests and desires of those people who wish to enrich and to broaden their cultural, recreational and social interests.”

SECTION 2. This Act shall take effect upon its approval.  
 (Approved May 14, 1979.)

ACT 45

H.B. NO. 738

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 236-26, Hawaii Revised Statutes, is amended to read:

“**Sec. 236-26 Valuation.** All property, the transfer of which is subject to tax under this chapter, shall be appraised at its full cash value as of the date of death. Whenever, by reason of this chapter, it becomes necessary to appraise or ascertain the value of stocks, bonds, or securities, such as are customarily bought or sold in open market in the city of Honolulu or elsewhere, the value of the stocks, bonds, or securities shall be ascertained by taking the price for which the stocks, bonds, or securities were bought and sold upon the date of death, or if there were no sales upon such day, then by ascertaining the range of the market and the average of prices as thus found running through a reasonable period of time before and after the date of death.

The value of every future or contingent or limited estate, income, or interest shall, for the purpose of this chapter, be determined by the rule, method, and the standards of mortality and of value that are set forth in the actuarial tables used by the Internal Revenue Service at the date of death for federal estate tax purposes.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 3. This Act shall take effect upon its approval.  
 (Approved May 14, 1979.)

ACT 46

H.B. NO. 866

A Bill for an Act Relating to Revenue Bonds.

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

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

## ACT 47

SECTION 1. Section 49-4, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 49-4 Authorization of undertaking; form and contents of bonds.** The acquisition, purchase, construction, reconstruction, improvement, betterment, or extension of any undertaking may be authorized under this chapter, and revenue bonds may be authorized to be issued under this chapter by resolution or resolutions of the governing body of the municipality issuing the revenue bonds which may be adopted at the same meeting at which the same are introduced by a majority of all the members of the governing body of the municipality then in office and shall take effect immediately upon adoption. The bonds shall bear interest at such rate or rates [not exceeding six per cent a year], payable semiannually, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding thirty years from their respective dates, may be payable in such medium of payment, at such place or places, may carry such registration privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants, and conditions, and may be in such form, either coupon or registered, as the resolution or subsequent resolutions may provide. The bonds shall be sold at not less than par and accrued interest. The bonds may be sold at private sale to the United States, or any agency, instrumentality, or corporation thereof. Unless sold to the United States or an agency, instrumentality, or corporation thereof, the bonds shall be sold at public sale after notice of the sale published once at least five days prior to the sale off a newspaper circulating in the municipality and in a financial newspaper published in the cities of New York, Chicago, or San Francisco. Pending the preparation of the definitive bonds, interim receipts, or certificates in such form and with such provisions as the governing body may determine may be issued to the purchaser or purchasers of bonds sold pursuant to this chapter. The bonds and interim receipts or certificates shall be fully negotiable, within the meaning of and for all the purposes of chapter 490, Uniform Commercial Code, article 3, Commercial Paper.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 14, 1979.)

ACT 47

H.B. NO. 1127

A Bill for an Act Relating to the Use of Credit Cards for Hospital Charges.

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

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

**“Sec. - Use of credit cards for hospital charges.** All charges due and owing to any hospital operated by the State may be paid by means of credit cards

†So in original. Probably should read “in”.

as may be deemed acceptable therefor by the comptroller. A service fee may be paid by the department of health for the use thereof.”

SECTION 2. New statutory material is underscored.\*

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

(Approved May 14, 1979.)

## ACT 48

H.B. NO. 1186

A Bill for an Act Relating to the Bank Examiner.

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

SECTION 1. **Purpose.** Under existing law, the bank examiner is required to examine the condition and resources of most financial institutions on an annual basis. In most cases, the examinations have been jointly conducted with federal agencies who were also on a 12-month cycle.

However, recent policy changes by the federal agencies contemplate lengthening the examination cycle to 18 months and the scope of the examination depending on the condition and resources of the institution involved. The change will preclude the State from conducting joint examinations and would thus strain the State's already limited manpower resources which in turn would have a serious effect on the State's examination program.

The purpose of this bill is to permit more effective use of examiner resources of the State by delegating to the bank examiner the authority to promulgate rules and regulations enabling the State to coordinate the scheduling of its examination of financial institutions with federal agencies on an 18-month cycle. Additionally, the bank examiner is directed to develop guidelines with respect to examination priorities, frequency and scope depending on the capital, asset, management, earnings and liquidity of the institution involved.

SECTION 2. Section 401-3, Hawaii Revised Statutes, is amended to read:

**“Sec. 401-3 Inspection; examination; duties.** Every bank, trust company, building and loan association, fiduciary company, industrial loan and investment company, or licensee under chapter 409 doing business in the State, excepting the national banks, shall be subject to the inspection of the bank examiner. The bank examiner or a duly appointed examiner shall visit every such bank, company, association, or licensee no less than once every 18 months unless otherwise provided by law and whenever the bank examiner deems it necessary or expedient, and makes a complete and careful examination of the condition and resources of the bank, company, association, or licensee, the mode of managing its or his business and conducting its or his affairs, the action of its officers and directors, if a corporation, in the investment, management, and disposition of its funds, the disposition of funds and securities entrusted to it or him in any fiduciary capacity, the safety and prudence of its or his management, its or his policy of transacting business, the security afforded

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

## ACT 49

to persons dealing therewith, and whether the bank, company, association, or licensee is complying with the laws of the State.

The bank examiner shall adopt rules pursuant to chapter 91 respecting examination priority, the frequency and scope of the examination depending on capital, assets, management, earnings and liquidity of the institution involved.

The bank examiner shall keep in his office proper records showing the acts, matters, and things by him done under this chapter."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 14, 1979.)

## ACT 49

H.B. NO. 1649

A Bill for an Act Relating to Audit and Accounting.

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

SECTION 1. Section 40-57.5, Hawaii Revised Statutes, is amended to read:

**"Sec. 40-57.5 Comptroller's acceptance of vouchers for the Hawaii State Medicaid Program.** The requirements of section 40-56 and section 40-57 to the contrary notwithstanding, the comptroller may, if satisfied as to the adequacy of related internal controls and audit trails, issue warrants for original warrant vouchers without accompanying original bills for payments to vendors of the Hawaii State Medicaid Program. Whenever the comptroller has given his approval for the issuance of warrants under this section without accompanying original bills, the original bills shall be retained by the expending agency vouchering the payment, and shall be made available for authorized referencing, for the period prescribed by section 40-10 for the retention of vouchers, documents, and other records or papers before destruction. For purposes of this section, the definition of original bills shall also include computer magnetic tape, computer listings, computer output microfilm, microfiche, and manually produced microfilm."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 14, 1979.)

## ACT 50

H.B. NO. 1686

A Bill for an Act Relating to the Hawaii Housing Authority.

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

SECTION 1. **Findings and purpose.** The Legislature finds that a major

\*The text has been edited pursuant to HRS§23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

determinant of the continuing housing problem in Hawaii is the lack of long term mortgage financing at affordable interest rates available from lending institutions in the State; that this lack of affordable long term mortgage financing has hindered the purchase of residences in the State, particularly for first-time buyers, younger families, persons and families of lower and moderate income, and the elderly; and that this lack of affordable financing has significantly reduced construction starts of new residential housing units in the lower and moderate sales price range.

The Legislature further finds that existing loan programs will not provide sufficient resources to meet the future demand for affordable financing of residential mortgage loans for persons and families of lower and moderate income, younger families, and the elderly.

The Legislature further finds that there exists a critical need for the Hawaii Housing Authority to be granted comprehensive housing loan program powers, such as:

- (1) The power to purchase existing loans, whether or not eligible loans, as defined in this Act, from originating mortgage lenders and other sources within the State;
- (2) The power to enter into advance commitments with mortgage lenders to purchase and then to purchase eligible loans from such mortgage lenders;
- (3) The power to make loans to mortgage lenders who will then make eligible loans; and
- (4) The power to fund and to commit to fund eligible loans made through mortgage lenders;

providing such loans have in each case, been made pursuant to the provisions of this Act and the criteria established by the Authority.

The Legislature further finds that the State Constitution was amended by the people of Hawaii on November 7, 1978, to permit revenue bonds issued for these housing loan programs to be excluded in determining the power of the State to issue general obligation bonds.

The Legislature further finds that the powers conferred, the issuance of revenue bonds, and the expenditure of public moneys under this Act constitute a serving of a valid public purpose, and that this enactment is in the public interest and is so declared as an express legislative determination.

The purpose of this Act is to alleviate the shortage of long term investment funds for housing in this State by authorizing the Hawaii Housing Authority to raise funds from private investors through the sale of revenue bonds, and to make those funds available at affordable interest rates through mortgage lenders to meet the needs of persons and families of lower and moderate income. These funds will be used in the housing loan programs in accordance with this Act and the criteria established by the Authority.

It is the intent of this Act that the housing loan programs provided herein be made available on a non-exclusive basis to interested mortgage lenders who are otherwise active in mortgage lending in the State.

**SECTION 2.** This Act shall be known as the "Housing Loan and Mortgage Act".



SECTION 3. Chapter 356, Hawaii Revised Statutes, is amended by designating all existing sections to read:

**“PART I. GENERAL PROVISIONS”**

SECTION 4. Chapter 356, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read:

**“PART II**

**HOUSING LOAN AND MORTGAGE PROGRAMS**

**Sec. 356-201 Definitions.** The following words or terms as used in this part shall have the following meanings unless a different meaning clearly appears from the context:

“Eligible borrower” means any person or family, irrespective of race, creed, national origin, or sex, who:

- (1) Is a citizen of the United States or a declarant alien;
- (2) Is a bona fide resident of the State;
- (3) Is at least of legal age;
- (4) Does not himself, or whose spouse if he is married, own any interest in any residential property in the State; and
- (5) Meets other qualifications as established by rules adopted by the authority.

“Eligible loan” means a loan to an eligible borrower for the purchase of a housing unit, including a condominium unit; provided that the property financed is located in the State, will be occupied as the principal place of residence by the eligible borrower, and meets other requirements as established by rules adopted by the authority.

“Housing loan programs” includes all or any part of the loan to lenders program, the purchase of existing loans program, the advance commitments program, and the eligible loan funding program authorized under this part.

“Mortgage lender” means any bank, trust company, savings bank, national banking association, savings and loan association, building and loan association, mortgage banker, credit union, insurance company, or any other financial institution, or a holding company for any of the foregoing, which: (1) Is authorized to do business in the State; (2) Customarily provides service or otherwise aids in the financing of mortgages on single family or multi-family residential property; and (3) Is a financial institution whose accounts are federally insured or is an institution which is an approved mortgagee for the Federal Housing Administration or is an approved lender for the Veterans Administration or the Farmers Home Administration or is an approved mortgage loan servicer for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

“Revenue bonds” means bonds, notes, or other evidence of indebtedness of the authority issued to finance any of the housing loan programs under this part.

“Trustee” means a national or state bank or trust company within or without the State which enters into a trust indenture.

“Trust indenture” means an agreement by and between the authority and the trustee, which sets forth the duties of the trustee with respect to the revenue bonds, the security therefor, and other provisions as deemed necessary or convenient by the authority to secure the revenue bonds.

**Sec. 356-206 Rules; eligible borrower.** (a) The authority shall establish the qualifications of an eligible borrower, and may consider, but not be limited to, the following:

- (1) The proportion of income spent for shelter;
- (2) Size of the family;
- (3) Cost and condition of housing available to the total housing market; and
- (4) Ability of the person to compete successfully in the normal housing market and to pay the amounts on which private enterprise is providing loans for safe, decent, and sanitary housing in the State.

(b) The adjusted household income of an eligible borrower shall not exceed one hundred fifteen per cent of the median income for households in the State as most recently published by the United States Department of Health, Education and Welfare.

(c) The authority shall require that the assets of an eligible borrower not exceed an amount as established by the authority.

**Sec. 356-207 Rules; eligible loans.** (a) The authority shall establish requirements for property financed by an eligible loan, and may consider, but not be limited to the location, age, condition, and other characteristics of the property.

(b) The authority shall establish restrictions on the terms, maturities, interest rates, collateral, and other requirements for eligible loans; provided that no initial payment or down payment on property securing an eligible loan shall exceed twenty per cent of the fair market value of the property.

(c) All eligible loans made shall comply with applicable state and federal laws.

**Sec. 356-211 Revenue bonds; authorization.** (a) The authority, with the approval of the governor, may issue from time to time revenue bonds in amounts not exceeding the total amount of bonds authorized to be issued by the legislature for the purpose of undertaking and maintaining any of the housing loan programs.

(b) All revenue bonds shall be issued pursuant to part III of chapter 39, except as provided in this part.

(c) The revenue bonds shall be issued in the name of the authority, and not in the name of the State. The final maturity date of the revenue bonds may be any date not exceeding forty years from the date of issuance.

**Sec. 356-212 Revenue bonds; payment and security.** (a) The revenue bonds shall be payable from and secured by the revenues derived from the benefits of the housing loan programs for which the revenue bonds are issued, including:

- (1) Any payment made for eligible loans or other agreements entered into for the housing loan programs;
- (2) Revenues derived from insurance proceeds;
- (3) Reserve accounts and earnings thereon; and

(4) Revenues resulting from loans to mortgage lenders or from the payment on account of principal of and interest on loans purchased from mortgage lenders.

(b) The authority may pledge any revenues derived from the housing loan programs financed from the proceeds of the revenue bonds to the punctual payment of the principal, interest, and redemption premiums, if any, on the revenue bonds.

(c) The revenue bonds may be additionally secured by the pledge or assignment of the loans and other agreements or any note or other undertaking, obligation, or property held by the authority to secure the loans.

**Sec. 356-213 Revenue bonds; interest rate, price, and sale.** (a) The revenue bonds shall bear interest at a rate or rates payable monthly, quarterly, or semi-annually.

(b) The authority shall include the costs of undertaking and maintaining the housing loan programs for which the revenue bonds are issued in determining the principal amount of revenue bonds to be issued. In determining the cost of undertaking and maintaining the housing loan programs, the authority may include the cost of purchasing or funding loans or other agreements entered into for the housing loan programs; the costs of studies and surveys; insurance premiums; underwriting fees; financial consultant, legal, accounting, and marketing services incurred; reserve account, trustee, custodian, and rating agency fees; and interest on the bonds for a period not to exceed one year from the date of issuance.

(c) The revenue bonds may be sold at public or private sale, and for a price as may be determined by the authority to be in the the best interest of the State.

**Sec. 356-214 Revenue bonds; investment of proceeds, and redemption.** Subject to any agreement with the holders of its revenue bonds, the authority may:

(1) Invest its moneys not required for immediate use, including proceeds from the sale of any revenue bonds, in accordance with section 356-31;

(2) Purchase its revenue bonds out of any fund or money of the authority available therefor, and hold, cancel, or resell the revenue bonds.

**Sec. 356-217 Trustee; designation, duties.** (a) The authority shall designate a trustee for each issue of revenue bonds secured under the same trust indenture; provided that the trustee shall be approved by the director of finance.

(b) The trustee shall be authorized by the authority to receive and receipt for, hold, and administer the proceeds of the revenue bonds, and to apply the proceeds to the purposes for which the bonds are issued.

(c) The trustee shall also be authorized by the authority to hold and administer the housing loan program revenue bond special fund established pursuant to section 356-221, and to receive and receipt for, hold, and administer the revenues derived by the authority from the benefits of the housing loan programs for which the revenue bonds are issued and to apply these revenues to the payment of the cost of administering, operating, and maintaining the housing loan programs, to pay the principal of and interest on these bonds, to the establishment of reserves, and to other purposes as may be authorized in the proceedings providing for the issuance of the revenue bonds.

(d) Notwithstanding section 39-65, the director of finance may appoint the trustee to serve as fiscal agent for:

(1) The payment of the principal of and interest on the revenue bonds; and

(2) The purchase, registration, transfer, exchange, and redemption of the bonds.

(e) The trustee shall perform additional functions with respect to the payment, purchase, registration, transfer, exchange, and redemption, as the director of finance may deem necessary, advisable, or expeditious, including the holding of the revenue bonds and coupons which have been paid and the supervision of the destruction thereof in accordance with law.

(f) Nothing in this part shall limit or be construed to limit the powers granted to the director of finance in sections 36-3 and 39-12, and the third sentence of section 39-65, to appoint the trustee or others as fiscal agents, paying agents and registrars for the revenue bonds or to authorize and empower those fiscal agents, paying agents and registrars to perform the functions referred to in those sections.

**Sec. 356-218 Trust indenture.** (a) A trust indenture may contain covenants and provisions authorized by part III of chapter 39, and as deemed necessary or convenient by the authority for the purposes of this part.

(b) A trust indenture may allow the authority to pledge and assign to the trustee loans and other agreements related to the housing loan programs, and the rights of the authority thereunder, including the right to receive revenues thereunder and to enforce the provision thereof.

(c) Where a trust indenture provides that any revenue bond issued under that trust indenture is not valid or obligatory for any purpose unless certified or authenticated by the trustee, all signatures of the officers of the State upon the revenue bonds required by section 39-64 may be facsimiles of their signatures.

(d) A trust indenture shall also contain provisions as to:

(1) The investment of the proceeds of the revenue bonds, the investment of any reserve for the bonds, the investment of the revenues of the housing loan programs, and the use and application of the earnings from investments; and

(2) The terms and conditions upon which the holders of the revenue bonds or any portion of them or any trustee thereof may institute proceedings for the foreclosure of any loan or other agreement or any note or other undertaking, obligation or property securing the payment of the bonds and the use and application of the moneys derived from the foreclosure.

(e) A trust indenture may also contain provisions deemed necessary or desirable by the authority to obtain or permit, by grant, interest subsidy, or otherwise, the participation of the federal government in the housing loan programs or in the financing of the costs of administering, operating, or maintaining the housing loan programs.

**Sec. 356-221 Revenue bonds; special funds.** (a) A separate special fund shall be established for each housing loan program or part thereof financed from the proceeds of the revenue bonds secured under the same trust indenture. Each fund shall be designated "housing loan program revenue bond special fund" and shall bear additional designation as the authority deems appropriate to properly identify the fund.

(b) Notwithstanding any other law to the contrary, including particularly section 359G-10, all revenues, income, and receipts derived from the benefits of the

housing loan program for which the revenue bonds are issued shall be paid into the housing loan program revenue bond special fund established for that program and applied as provided in the proceedings authorizing the issuance of the revenue bonds.

**Sec. 356-231 Housing loan programs; procedures and requirements.**

(a) The authority shall establish procedures for:

- (1) The submission of requests or the invitation of proposals for loans to mortgage lenders;
- (2) The purchase of existing loans by auction, invitation of tenders, or negotiation;
- (3) The making of advance commitments to purchase and the purchasing of eligible loans to be made by mortgage lenders by auction, invitation of tenders, or negotiation; and
- (4) Loan applications made through mortgage lenders to eligible borrowers.

(b) The authority shall establish standards and requirements for:

- (1) The allocation of loans to mortgage lenders;
- (2) The allocation of funds to purchase existing loans from mortgage lenders;
- (3) The making of advance commitments and allocation of funds to purchase eligible loans from mortgage lenders; and
- (4) The participation by mortgage lenders as originators and processors of eligible loans on behalf of the authority.

(c) The standards and requirements for the allocation of funds to mortgage lenders adopted by the authority shall be designed to include the maximum number of qualified mortgage lenders as participants in the housing loan programs.

(e)† The authority may adopt rules necessary or convenient for the operation of the housing loan programs under this part.

**Sec. 356-232 Housing loan programs; general powers.** (a) The authority may make, enter into, and enforce all contracts or agreement which are necessary, convenient, or desirable for the purposes of the performance of its duties in executing the housing loan programs.

(b) The authority may require representations and warranties as it determines necessary to secure its loans.

**Sec. 356-233 Housing loan programs; self supporting.** The interest rate, fees, charges, premiums, and other terms of the loans made under the housing loan programs shall be at least sufficient to pay the cost of administering and maintaining the portion of the specific housing loan programs for which the revenue bonds have been issued, and to assure payment of the principal of and interest on the revenue bonds as they become due.

**Sec. 356-234 Housing loan programs; fees.** The authority may establish, revise, charge, and collect fees, premiums, and charges as necessary, reasonable, or convenient, for its housing loan programs.

The fees, premiums, and charges shall be deposited into the housing loan program revenue bond special fund established for the particular housing loan program or part thereof from which the fees, premiums and charges are derived as

†So in original. There is no subsection (d).

determined by the authority.

**Sec. 356-235 Housing loan programs; evidence of eligible loan.** (a) Each mortgage lender who participates in any housing loan program shall submit evidence, as deemed satisfactory by the authority, that eligible loans have been made from the proceeds of the revenue bonds.

(b) The authority may inspect the books and records of the mortgage lenders as may be necessary for this section.

**Sec. 356-241 Loans to lenders program.** (a) The authority may make loans to mortgage lenders under terms and conditions requiring that the loan proceeds be used within a time period prescribed by the authority to make eligible loans in an aggregate principal amount substantially equal to the amount of the loan.

(b) The loan made to a mortgage lender shall be a general obligation of the respective mortgage lender.

(c) The loan as determined by the authority shall:

- (1) Bear a date or dates;
- (2) Mature at a time or times;
- (3) Be evidenced by a note, bond or other certificate of indebtedness;
- (4) Be subject to prepayment; and
- (5) Contain other provisions consistent with this part.

(d) Subject to any agreement with the holders of its revenue bonds, the authority may consent to any modification to the rate of interest, time, and payment of any installment of principal or interest, security or any other term of any loan to a mortgage lender or any bond, note, contract, or agreement of any kind to which the authority is a party.

**Sec. 356-242 Loan to lenders program; collateral security.** (a) Loans made to mortgage lenders shall be additionally secured by a pledge of a lien upon collateral security in an amount as the authority deems necessary to assure the payment of principal of and interest on the loans as they become due.

(b) The authority shall determine the nature and type of collateral security required.

(c) A statement designating the collateral security pledged, the mortgage lender pledging the collateral, and the authority's interest in the pledged collateral may be filed with the bureau of conveyances. Where a statement has been filed, no possession, further filing, or other action under any state law shall be required to perfect any security interest which may be deemed to have been created in favor of the authority. The mortgage lender shall be deemed the trustee of an express trust for the benefit of the authority in all matters relating to the pledged collateral.

(d) Subject to any agreement with the holders of its revenue bonds, the authority may collect, enforce the collection of, and foreclose on any collateral securing its loans to mortgage lenders. The authority may acquire, take possession of, sell at public or private sale with or without bidding, or otherwise deal with the collateral to protect its interests.

**Sec. 356-251 Purchase of existing loans program.** (a) The authority may contract with a mortgage lender to purchase, in whole or in part, existing loans, whether or not eligible loans. The contract may contain provisions as determined by the authority to be necessary or appropriate to provide security for its revenue bonds,

including but not limited to provisions requiring the:

- (1) Repurchase of the loans, in whole or in part, by mortgage lenders at the option of the authority;
- (2) Payments of premiums, fees, charges, or other amounts by mortgage lenders to provide a reserve or escrow fund for the purposes of protecting against loan defaults; and
- (3) Guarantee by, or for recourse against, mortgage lenders, with respect to defaults on these loans of the authority.

(b) The authority shall require as a condition of each purchase of existing loans from a mortgage lender that the mortgage lender proceed to make and disburse eligible loans in an aggregate principal amount substantially equal to the amount of the proceeds from the purchase by the authority of loans therefrom.

**Sec. 356-261 Advance commitments program.** (a) The authority may contract with a mortgage lender for the advance commitment to purchase eligible loans.

(b) The contract may contain provisions as determined by the authority to be necessary or appropriate to provide security for its revenue bonds.

**Sec. 356-271 Eligible loan funding program.** (a) The authority may contract with mortgage lenders to fund eligible loans.

(b) The contract may contain provisions as determined by the authority to be necessary or appropriate to provide security for its revenue bonds.

**Sec. 356-281 Loans; service and custody.** The authority may contract for the service and custody of its loans. The contract may provide for the payment of fees or charges for the services rendered; provided that the fees or charges shall not exceed the usual, customary, and reasonable charges for the services rendered.

**Sec. 356-282 Loans; sale, pledge, or assignment.** (a) Subject to any agreements with the holders of its revenue bonds, the authority may sell its loans at public or private sale at a price and upon terms and conditions as it determines.

(b) Subject to any agreements with the holders of its revenue bonds, the authority may pledge or assign its loans, other agreements, notes, or property to secure the loans or agreements.

**Sec. 356-283 Loans; insurance and guarantees.** The authority may procure insurance or guarantees against any default of its loans, in amounts and from insurers or guarantors, as it deems necessary or desirable.

**Sec. 356-284 Loans; default.** The authority may renegotiate, refinance, or foreclose any loan in default.

The authority may waive any default or consent to the modification of the terms of any loan or security agreement.

The authority may commence any action to protect or enforce any right conferred upon it by any law, mortgage, insurance policy, contract, or other agreement.

The authority may bid for and purchase the property secured by the loan at any foreclosure or other sale, or acquire or take possession of the property secured by the loan.

The authority may operate, manage, lease, dispose of, or otherwise deal with the property secured by the loan.

**Sec. 356-291 Arbitrage provisions.** Any other provision of the law to the contrary notwithstanding, the authority shall not make or cause to be made loans from the proceeds of the revenue bonds issued pursuant to this part under terms or conditions which would cause any revenue bond to be an "arbitrage bond" as defined in Section 103 of the Internal Revenue Code of 1954, as amended."

**SECTION 5. Advisory Council.** The authority shall appoint an advisory council to advise in the implementation and operation of the housing loan programs authorized under this part.

The council shall serve without compensation and shall consist of six members, one of which shall be the executive director of the Hawaii housing authority, two of which shall be selected from the general public, and three of which shall be selected, one each from the Hawaii league of savings associations; the mortgage bankers association, and the Hawaii bankers association. The chairman of the council shall be selected from its membership. All appointees shall serve for a two year term.

**SECTION 6. Construction.** The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law. The housing loan programs authorized under this Act may be undertaken, and revenue bonds may be issued under this Act and part III of chapter 39, notwithstanding that any other law may provide for a loan program similar to that authorized under this Act, and may be undertaken for the issuance of bonds for like purposes, and without regard to the requirements, restrictions, limitations or other provisions contained in any other law. Insofar as the provisions of this Act are inconsistent with the provisions of any other law, this Act shall be controlling.

**SECTION 7. Issuance of revenue bond; amount authorized.** Revenue bonds may be issued by the authority pursuant to part III, chapter 39 and part II, chapter 356 in an aggregate principal amount not to exceed \$125,000,000 at such times and in such amounts as it deems advisable for the purpose of undertaking and maintaining any of the housing loan programs in part II of chapter 356.

**SECTION 8. Severability.** If any provision of this Act, or any provision of the part to be added pursuant hereto to chapter 356, Hawaii Revised Statutes, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect any other provision of this Act or said part or the application thereof to other persons or circumstances which can be given effect without the invalid provision or application, and to this end the provisions of this Act and said part are severable.

**SECTION 9. Litigation affecting revenue bonds.** Any provision of law to the contrary notwithstanding, no revenue bond shall be deemed authorized herein, if a final decision by a court of competent jurisdiction is rendered, the effect of which decision would cause such revenue bond to be included in determining the power of the State to issue general obligation bonds or authorized indebtedness. It is the intent of this Act that the revenue bonds herein shall not be deemed authorized, if such bonds will be included in determining the power of the State to issue general obligation bonds or authorized indebtedness.

**SECTION 10. Effective date.** This Act shall take effect upon its approval.

(Approved May 14, 1979.)



A Bill for an Act Relating to Reapportionment (Constitutional Amendments of Article IV).

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

SECTION 1. The purpose of this Act is to conform the Hawaii Revised Statutes to the Hawaii State Constitution as amended by the Constitutional Convention of 1978 and ratified by the electorate on November 7, 1978.

SECTION 2. Section 25-1, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 25-1 Reapportionment commission.** A reapportionment commission shall be constituted after the third Wednesday of January but before March 1 of each reapportionment year, and the members shall be appointed and certified to hold their offices for such term in the manner prescribed in Article IV of the Constitution.”

SECTION 3. Section 25-2, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 25-2 Duties.** (a) Legislative reapportionment. The commission shall reapportion the members of each house of the legislature among the basic island units and among the districts therein, redistricting where necessary, on the basis, method and criteria prescribed in Article IV of the Constitution. Pursuant thereto, the commission shall conduct public hearings and consult with the apportionment advisory council of each basic island unit. Not more than eighty days from the date on which all members are certified, the commission shall cause to be published in a newspaper of general circulation in each basic island unit, a legislative reapportionment plan prepared and proposed by the commission. At least one public hearing on the proposed reapportionment plan shall be held in each basic island unit after initial publication of the plan. At least twenty days notice shall be given of such public hearing. The notice shall include a statement of the substance of the proposed reapportionment plan, and of the date, time and place where interested persons may be heard thereon. The notice shall be published at least once in a newspaper of general circulation in the basic island unit where the hearing will be held. All interested persons shall be afforded an opportunity to submit data, views, or arguments, orally or in writing, for consideration by the commission. After the last of such public hearings, but in no event later than one hundred fifty days from the date on which all members of the commission are certified, the commission shall determine whether or not the plan is in need of correction or modification, make the correction or modification, if any, and file with the chief election officer, a final legislative reapportionment plan. Within ten days after filing of the final reapportionment plan, the chief election officer shall cause to be published in a newspaper of general circulation in the State, the final legislative reapportionment plan which shall, upon publication, become effective as of the date of filing and govern the election of members of the next five succeeding legislatures.

(b) Congressional reapportionment. At such times as may be required by the Constitution and as may be required by law of the United States, the commission shall redraw congressional district lines for the districts from which the members of the United States House of Representatives allocated to this State shall be elected. The

commission shall first determine the total number of members to which the State is entitled and shall then apportion such members among single member districts in such manner that the average number of registered voters per member in each district shall be as nearly equal as practicable. In effecting such reapportionment and districting, the commission shall be guided by the following criteria:

- (1) No district shall be drawn so as to unduly favor a person or political faction.
- (2) Except in the case of districts encompassing more than one island, districts shall be contiguous.
- (3) Insofar as practicable, districts shall be compact.
- (4) Where possible, district lines shall follow permanent and easily recognized features such as streets, streams and clear geographical features, and when practicable, shall coincide with census tract boundaries.
- (5) Where practicable, state legislative districts shall be wholly included within congressional districts.
- (6) Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided.

Not more than eighty days from the date on which all members are certified, the commission shall cause to be published in a newspaper of general circulation in the State, a congressional reapportionment plan prepared and proposed by the commission. The commission shall conduct public hearings on the proposed plan in the manner prescribed under subsection (a). At least one public hearing shall be held in each basic island unit after initial publication of the plan. After the last of such public hearings, but in no event later than one hundred fifty days from the date on which all members of the commission are certified, the commission shall determine whether or not the plan is in need of correction or modification, make the correction or modification, if any, and file with the chief election officer, a final congressional reapportionment plan. Within ten days after filing of the final reapportionment plan, the chief election officer shall cause to be published in a newspaper of general circulation in the State, the final congressional reapportionment plan which shall, upon publication, become effective as of the date of filing and govern the election of members of the United States House of Representatives allocated to this State for the next five succeeding congresses."

SECTION 4. Section 25-7, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 25-7 Apportionment advisory councils.** The apportionment advisory councils for the respective basic island units shall be constituted at the same time as the reapportionment commission and the members shall be appointed to hold their offices for such term in the manner prescribed in Article IV of the Constitution. Each advisory council shall serve in an advisory capacity to the reapportionment commission as to matters affecting its basic island unit. Each member shall be a registered voter of his basic island unit. A member of a council shall, for the period he holds his office, receive compensation of \$50 per meeting but not to exceed \$500 per month and shall be allowed actual and necessary expenses incurred in the performance of his duties. Payments for compensation and expenses shall be made by warrants signed by the comptroller on vouchers properly endorsed by the chairman of the appropriate

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advisory council. The members of the council shall be exempt from the provisions of chapters 76 and 77. Each council shall elect its own chairman and may elect other officers as may be necessary to carry out its functions. Meetings shall be called and held at the call of the chairman or by a quorum which shall be a majority of the members.”

SECTION 5. Section 11-2, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The chief election officer shall maintain data concerning registered voters, elections, apportionment, and districting. He shall use this data to assist the reapportionment commission provided for under Article IV of the Constitution.”

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 16, 1979.)

## ACT 52

S.B. NO. 31

A Bill for an Act Relating to Public Assistance Payments (Constitutional Amendments of Article IX, Section 3).

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

SECTION 1. **Purpose.** The purpose of this bill is to implement Article IX, Section 3 of the Constitution of the State of Hawaii as amended by the Hawaii Constitutional Convention of 1978 and pertaining to Public Assistance Payments.

SECTION 2. Section 346-1, Hawaii Revised Statutes, is amended by amending the definitions of “money payments” and “public assistance” to read as follows:

“Financial assistance” means public assistance except for payments for medical care and social service payments, including funds received from the federal government.

“Public assistance” means financial assistance to or for the benefit of persons whom the department has determined to be without sufficient means of support to maintain a standard consistent with this chapter, payments to or on behalf of such persons for medical care, and social service payments as described under the Social Security Act.”

SECTION 3. Section 346-53, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

“(h) Any recipient may petition the department for additional assistance when his need is due to emergencies caused by seismic wave, tsunami, hurricane, volcanic eruption, typhoon, earthquake, flood, or fire determined by the director to have caused losses as to require and justify additional assistance from the State. In addition any recipient may petition the department for additional assistance for the replace-

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

ment or repair of household appliances. Such additional assistance shall be paid on an emergency basis, as determined by the department, to meet the cost of replacing or repairing household appliances. If the cost of repairs of household appliances is less than one-half the unit cost of the item, the department shall pay for the cost of repairs. If the cost of repairs of household appliances is more than one-half the unit cost of the item, the department shall replace the household appliance; provided the replacement cost shall not exceed \$350. For the purposes of this subsection "household appliances" means a refrigerator or a range.

The department shall establish an emergency fund, not to exceed one per cent of total financial assistance from state funds required by this chapter in the previous fiscal year. The director shall adopt rules pursuant to chapter 91 for determining in which cases to grant lump sum payments to recipients petitioning for additional assistance."

SECTION 4. Section 346-54, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 346-54 Report to the legislature.** On or before January 1 of odd-numbered years the director shall submit a report to the legislature concerning the adequacy of the basic needs allowance and shelter allowance established by this chapter.

In addition, should general fund expenditures for financial assistance and medical payment increase at a rate greater than the rate of increase in general fund tax revenues in any fiscal year, the director shall report such increases to the legislature and make cost control recommendations that will control increases in general fund public assistance expenditures. Cost control recommendations shall include, but not be limited to, the following: (1) changes in eligibility standards, (2) adjustments to the basic needs allowance, (3) adjustments to the maximum shelter allowance, (4) alternatives to financial assistance for meeting basic needs, and (5) adjustments to medical payment fees and levels of service."

SECTION 5. Chapter 346, Hawaii Revised Statutes, is amended by substituting the words "financial assistance" for the words "money payments" or similar terms.

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 16, 1979.)

ACT 53

S.B. NO. 46

A Bill for an Act Relating to Public Office and Employment (Constitutional Amendments of Article XVI, Section 3).

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

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

**SECTION 1. Purpose.** The purpose of this Act is to implement Article XIV† of the Constitution of the State of Hawaii as amended by the Hawaii Constitutional Convention of 1978 and pertaining to Public Office and Employment.

**SECTION 2.** Section 831-2, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 831-2 Rights lost.** (a) A person sentenced for a felony, from the time of his sentence until his final discharge, may not:

- (1) Vote in an election, but if execution of sentence is suspended with or without the defendant being placed on probation or he is paroled after commitment to imprisonment, he may vote during the period of the suspension or parole; or
- (2) Become a candidate for or hold public office.

(b) A public office held at the time of sentence is forfeited as of the date of the sentence if the sentence is in this State, or, if the sentence is in another state or in a federal court, as of the date a certification of the sentence from the sentencing court is filed in the office of the lieutenant governor who shall receive and file it as a public document. An appeal or other proceeding taken to set aside or otherwise nullify the conviction or sentence does not affect the application of this section, but if the conviction is reversed the defendant shall be restored to any public office forfeited under this chapter from the time of the reversal and shall be entitled to the emoluments thereof from the time of the forfeiture.

(c) Subsections (a) and (b) of this section and any other laws to the contrary notwithstanding, any person convicted of any act, attempt, or conspiracy to overthrow the state or the federal government by force or violence shall not hold any public office or employment.”

**SECTION 3.** Section 831-3.1, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A person shall not be disqualified from public office or employment by the State or any of its political subdivisions or agencies except under section 831-2(c), or be disqualified to practice, pursue, or engage in any occupation, trade, vocation, profession, or business for which a permit, license, registration, or certificate is required by the State or any of its political subdivisions or agencies, solely by reason of a prior conviction of a crime; provided that with respect to liquor licenses, this subsection shall not apply to a person who has been convicted of a felony.”

**SECTION 4.** Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 16, 1979.)

†So in original. Probably should read “Article XVI”.

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

A Bill for an Act Relating to Assistance to Displaced Persons.

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

SECTION 1. Section 111-1, Hawaii Revised Statutes, is amended to read:

**“Sec. 111-1 Findings and declaration of legislative purpose.** The legislature hereby finds and declares that it is in the public interest that persons lawfully residing on or lawfully occupying real property and displaced by any action undertaken by any state or county governmental agency should be compensated for such displacement under certain circumstances. The purpose of this chapter is to establish a uniform policy for the fair and equitable treatment of owners, tenants, other persons, and business concerns lawfully residing on or lawfully occupying real property and displaced by the acquisition of real property for public or other purposes in the public interest, by building, zoning, and other similar code enforcement activities, or by a program of voluntary rehabilitation of buildings or other improvements conducted pursuant to governmental supervision.”

SECTION 2. Section 111-2, Hawaii Revised Statutes, is amended to read:

**“Sec. 111-2 Definitions.** As used in this chapter, the term:

“Person” means (1) any individual, partnership, or corporation or association which is the owner of a business; (2) any owner, part-owner, tenant, or sharecropper operating a farm; (3) the head of a family; (4) an individual not a member of a family; (5) a nonprofit organization exempted from taxation under section 235-9.

“Family” means two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or legal guardianship.

“State agency” means an agency or instrumentality created by the State and includes, for purposes of this chapter, county governmental agencies.

“Displaced person” means any person who is lawfully residing on or lawfully occupying real property and is required to move from any real property on or after June 25, 1970, as a result of the acquisition or imminence of acquisition of such real property, in whole or in part, by a state agency or who moves from such real property as a result of the acquisition or imminence of acquisition by such state agency of other real property on which such person is lawfully conducting a business or farm operation. “Displaced person” also includes the foregoing movements from real property by any person lawfully residing on or lawfully occupying real property as a result of a governmental program of voluntary rehabilitation or building, zoning, and other similar code enforcement activities. “Displaced person” as defined in this chapter shall not include a tenant upon or occupier of state land under a revocable permit which is issued or renewed on or after June 7, 1974, provided that those persons who are issued revocable permits on state land which they had previously occupied as lawful tenants or lawful occupiers of private land which is subsequently acquired by the State, by virtue of which acquisition the revocable permits are issued immediately upon acquisition, shall be entitled to assistance as displaced persons upon displacement at the termination of the revocable permits. “Displaced persons” as defined in this chapter shall also not include a squatter or trespasser upon state land or any person

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unlawfully residing on or unlawfully occupying any real property.

“Business” means any lawful activity conducted (1) primarily for the purchase and resale, manufacture, processing or marketing of products, commodities, or any other personal property; (2) primarily for the sale of services to the public; or (3) by a nonprofit organization.

“Farm operation” means any lawful activity conducted solely or primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator’s support.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 16, 1979.)

**ACT 55**

S.B. NO. 1118

A Bill for an Act Relating to Ferries.

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

SECTION 1. Section 268-16, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 268-16 Report.** The director of transportation shall prepare a report in writing of the nature and extent of his activities under this chapter whenever the director deems it necessary or appropriate. The report shall be delivered to each house of the legislature.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 16, 1979.)

**ACT 56**

S.B. NO. 1389

A Bill for an Act Relating to Planning and Development of Kauai.

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

SECTION 1. Section 6 of Act 82 of Session Laws of Hawaii 1973, previously amended by Act 227 of Session Laws of Hawaii 1974 is amended to read:

“SECTION 6. The authorizations in sections 2, 3, 4, and 5 of this Act shall lapse on June 30, 1980. Annual progress reports of the feasibility studies and programs for the planning and development of Kauai under this Act shall be submitted to

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

the legislature within 20 days before the legislature convenes. The final report shall be submitted within sixty days after the lapsing of the authorization under this Act.”

SECTION 2. Material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 16, 1979.)

## ACT 57

H.B. NO. 23

A Bill for an Act Relating to State Bonds.

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

SECTION 1. Section 39-51, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and by amending the definitions of “revenue” and “revenue bonds” to read as follows:

““Loan program” means the activities and policies undertaken by any department as authorized by law to provide assistance to members of the general public who are residents of the State by making loans or causing loans to be made available to them for such purposes as may be authorized by law.

“Revenue” means the moneys collected from the rates, rentals, fees, and charges prescribed for the use and services of, and the facilities and commodities furnished by, an undertaking or the use and services and benefits of a loan program.

“Revenue bonds” means all bonds payable from and secured by the revenue, or user taxes, or any combination of both, of an undertaking or loan program or any loan made thereunder for which such bonds are issued and as otherwise provided herein.”

SECTION 2. Sections 39-52 and 39-53, Hawaii Revised Statutes, are amended to read as follows:

“**Sec. 39-52 Declaration of policy.** It is declared to be the policy of the State that any department acquiring, purchasing, constructing, reconstructing, improving, bettering, or extending an undertaking or establishing or administering a loan program pursuant to this chapter shall manage the undertaking or loan program in the most efficient manner consistent with sound economy and public advantage, and consistent with the protection of bondholders.

**Sec. 39-53 Additional powers of departments.** In addition to the powers which it may otherwise have, any department shall have power under this part:

- (1) To construct, acquire by gift, purchase, or the exercise of the right of eminent domain, reconstruct, improve, better, or extend any undertaking within its jurisdiction, and to acquire by gift, purchase, or the exercise of the right of eminent domain, lands or rights in land or water rights in connection therewith or to undertake the establishment and administration

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.



- of a loan program as authorized by law within its jurisdiction;
- (2) To operate and maintain any undertaking or administer, operate, and maintain a loan program as authorized by law, within its jurisdiction and furnish the services, facilities, and commodities thereof for its own use and for the use of public and private consumers;
- (3) To issue revenue bonds of the State in the amounts authorized by specific act or acts of the legislature of the State to finance in whole or in part the cost of the acquisition, purchase, construction, reconstruction, improvement, betterment, or extension of any undertaking or the establishment and administration of any loan program as authorized by law;
- (4) To impose, prescribe, and collect rates, rentals, fees, and charges for the use and services of, and the facilities and commodities furnished by, the undertaking or for the use and services of the loan program as authorized by law; and
- (5) To pledge the punctual payment of the revenue bonds and interest thereon, or to covenant to pay into any special funds from which any of the revenue bonds may be payable, the revenues of the undertaking or loan program, or of any part thereof, or the user taxes derived therefrom, or any combination of both (including improvements, betterments, or extensions thereto thereafter constructed or acquired) sufficient to pay the revenue bonds and interest as they shall become due and to create and maintain reasonable reserves to pay the principal and interest; provided that no user taxes shall be pledged to such payment unless the legislature in the specific act or acts authorizing the issuance of the revenue bonds shall have provided that such revenue bonds may be payable from and secured by such user taxes. The amount so pledged or covenanted to be paid may consist of all or any part or portion of such revenue, or of such user taxes, or any combination of both.

The department, in determining the cost, may include all costs and estimated costs of the issuance of the revenue bonds, all engineering, inspection, fiscal, and legal expenses, all costs of establishing or administering a loan program authorized by law, the cost of causing the payment of the principal or interest or both of the revenue bonds to be insured or guaranteed, and interest which it is estimated will accrue during the construction period and for six months thereafter on money borrowed or which it is estimated will be borrowed pursuant to this part.”

SECTION 3. Section 39-53.1, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 39-53.1 Bond anticipation notes.** In anticipation of the issuance under this part of revenue bonds theretofore authorized by the legislature for an undertaking or a loan program and of the receipt of the proceeds of such bonds, the department having jurisdiction over the undertaking or loan program may, with the approval of the governor, issue and sell bond anticipation notes for the purposes for which such bonds have been authorized, the maximum principal amount of which notes shall not exceed the authorized principal amount of such bonds. The notes shall be payable solely from and secured solely by the proceeds of the sale of the bonds in anticipation of which they were issued and the revenues, or the user taxes, or a combination of both, from which would be payable and by which would be secured such bonds;

provided that to the extent the principal of the notes is paid from moneys other than the proceeds of sale of such bonds, the maximum amount of bonds in anticipation of which the notes are issued that has been authorized shall be reduced by the amount of such notes paid in such manner. The issuance of such notes and the details thereof shall be governed by the provisions of this part with respect to bonds insofar as the same may be applicable, provided that (1) each note, together with all renewals and extensions thereof, or refundings thereof by other notes issued under this section, shall mature within five years from the date of the original note and (2) the notes may be sold at public or private sale, as the department with the approval of the governor, may determine."

SECTION 4. Section 39-54, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 39-54 Authorization of undertaking, loan program; form and contents of revenue bonds.** The issuance of revenue bonds for the acquisition, purchase, construction, reconstruction, improvement, betterment, or extension of any undertaking or the establishment and administration of any loan program authorized by law shall be authorized:

- (1) By a resolution or resolutions of the governing body of the department, which may be adopted at the same meeting at which the same are introduced by a majority of all the members of the governing body of the department then in office, and shall take effect immediately upon filing with the director of finance of the State, or
- (2) By a certificate or certificates of a department head, which shall take effect immediately upon filing with the director of finance.

The revenue bonds shall bear interest at such rate or rates, payable semiannually, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding thirty years from their respective dates, may be payable in such medium of payment and at such place or places, may carry such registration privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants, and conditions, and may be in such form, either coupon or registered, as the resolution or certificate, subsequent resolutions or certificates, may provide. The revenue bonds may be sold at private sale to the United States, or any agency, instrumentality, or corporation thereof, or to the state employees retirement system, or to any political subdivision of the State. Unless so sold at private sale, the revenue bonds shall be sold at public sale after notice of the sale published once at least five days prior to the sale in a newspaper circulating in the State and in a financial newspaper published in any of the cities of New York, Chicago, or San Francisco.

The revenue bonds shall be sold for not less than ninety-five per cent of the principal amount thereof. Pending the preparation of the definitive revenue bonds, interim receipts or certificates in such form and with such provisions as the department may determine may be issued to the purchaser or purchasers of revenue bonds sold pursuant to this chapter. The revenue bonds and interim receipts or certificates shall be fully negotiable within the meaning of and for all the purposes of chapter 490, Uniform Commercial Code."

SECTION 5. Sections 39-55 to 39-61, Hawaii Revised Statutes, are amended to read as follows:

**“Sec. 39-55 Covenants in resolution or certificate authorizing issuance of revenue bonds.** Any resolution or certificate authorizing the issuance of revenue bonds under this part may contain covenants as to:

- (1) The purpose or purposes to which the proceeds of sale of the revenue bonds shall be applied and the use and disposition thereof;
- (2) The use and disposition of the revenue of the undertaking or the loan program for which the revenue bonds are to be issued, or the user taxes derived therefrom, or both, to the extent pledged to the payment of the revenue bonds, including the creation and maintenance of reserves;
- (3) The issuance of other or additional bonds payable from the revenue of the loan program or of the undertaking, or the user taxes derived therefrom, or both revenues and user taxes, to the extent pledged to the payment of the revenue bonds;
- (4) The operation, maintenance, and repair of the undertaking or the administration, operation, and maintenance of the loan program;
- (5) The insurance to be carried on an undertaking or on the security for a loan program and the use and disposition of insurance moneys, the insurance being by this section authorized to be carried, and no undertaking shall have recourse to the state insurance fund for the repair or replacement of any property in the undertaking, or for payment of claims under chapter 386 (relating to workers' compensation);
- (6) Books of account and the inspection and audit thereof; and
- (7) The terms and conditions upon which the holders of the revenue bonds or any proportion of them or any trustee therefor shall be entitled to the appointment of a receiver by any court of competent jurisdiction, which court shall have jurisdiction in the proceedings, and which receiver may enter and take possession of the undertaking, operate, maintain, and repair the same, enforce or foreclose loans made under a loan program, impose and prescribe rates, rentals, fees or charges, collect, receive and apply all revenue, and receive and apply all user taxes, thereafter arising therefrom in the same manner and to the same extent as the department itself might do;

provided that all covenants shall be subject to review by the governor; and provided further the provisions of this section with respect to user taxes shall be applicable only if the legislature in the specific act or acts authorizing the issuance of the revenue bonds has provided that the revenue bonds may be paid from and secured by the user taxes derived from an undertaking.

The provisions of this part and any resolution or certificate shall be a contract with the holder or holders of the revenue bonds; and the duties of the department, its governing body and department head, under this part, and any resolution or certificate shall be enforceable by any bondholder, by mandamus or other appropriate suit, action, or proceeding in any court of competent jurisdiction.

**Sec. 39-56 Validity of revenue bonds.** The revenue bonds bearing the signature of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor

any or all the persons whose signatures appear thereon shall have ceased to be officers of the State or of the department. The validity of the revenue bonds shall not be dependent on nor affected by the validity or regularity of any proceedings relating to the acquisition, purchase, construction, reconstruction, improvement, betterment, or extension of the undertaking or establishment or administration of the loan program authorized by law for which the revenue bonds are issued. The resolution or certificate authorizing the revenue bonds may provide that the revenue bonds shall contain a recital that they are issued pursuant to this part, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

**Sec. 39-57 Lien and charge of revenue bonds.** Unless otherwise provided in the resolution or certificate, all revenue bonds of the same issue shall, subject to the prior and superior rights of outstanding revenue bonds, claims, or obligations, have a prior and paramount lien and charge on the revenue, or the user taxes, or combination of both, pledged to the payment thereof, of the undertaking or loan program for which the revenue bonds have been issued, over and ahead of all bonds of any issue payable from such revenue, or user taxes, or combination of both, which may be subsequently issued and over and ahead of any claims or obligations of any nature against such revenue, or user taxes, or combination of both, subsequently arising or subsequently incurred. All revenue bonds of the same issue shall be equally and ratably secured without priority by reason of number, date of bonds, of sale, of execution, or of delivery, by a lien and charge on the revenue or user taxes, or combination of both, pledged to the payment thereof, in accordance with this chapter and the resolution or certificate authorizing the revenue bonds.

**Sec. 39-58 Revenue bonds not a general obligation of State.** Unless otherwise provided in this section, revenue bonds issued under this part shall be payable solely from and secured solely by the revenue, or the user taxes, or combination of both, pledged to the payment thereof, of the undertaking or loan program for which the bonds have been issued, or secured solely by and payable solely from a special fund to be maintained from such revenue, or user taxes, or combination of both, pledged to such special fund, and shall not constitute a general obligation of the State or a charge upon the general fund of the State, nor shall the full faith and credit of the State be pledged to the payment of the principal and interest thereof. Revenue bonds issued for the purpose of establishing and administering a loan program authorized by law may also be secured by a pledge of all or a portion of undertakings, mortgages, and other obligations held by the department as security for a loan made under such program. Each bond issued under this part shall recite in substance that the revenue bonds and the interest thereon are payable from and secured by the revenue, or the user taxes, or combination of both, pledged to the payment thereof, of the undertaking or loan program for which the revenue bond is issued, or secured by and payable from a special fund to be maintained from such revenue, or user taxes, or combination of both, pledged to such special fund, and that the revenue bond is not a general obligation of the State and the full faith and credit of the State are not pledged to the payment of such principal and interest.

**Sec. 39-59 Undertakings and loan programs to be self-sustaining.** The department issuing revenue bonds pursuant to this part shall impose, prescribe, and collect rates, rentals, fees, or charges for the use and services of, and the facilities and

commodities furnished by, the undertaking or for the use and services and benefits of the loan program for which the revenue bonds are issued, and shall revise such rates, rentals, fees, or charges from time to time whenever necessary, so that, together with the proceeds of the user taxes derived with respect to the undertaking pledged to the payment of such revenue bonds, such undertaking or loan program shall be and always remain self-sustaining. The rates, rentals, fees, or charges imposed and prescribed shall produce revenue which, together with the proceeds of such user taxes, will be at least sufficient:

- (1) To make the required payments of the principal of and interest on all bonds issued for the undertaking or loan program, including the payment of all bonds and interest thereon for the payment of which such revenue, or user taxes, or combination of both, are or shall have been pledged, charged, or otherwise encumbered, or which are otherwise payable from such revenue, or user taxes, or combination of both, or are payable from a special fund maintained, or to be maintained, from such revenue, or user taxes, or combination of both, including reserves therefor, and to maintain the special fund in an amount at least sufficient to pay when due all bonds and interest thereon which are payable from the special fund, including reserves therefor;
- (2) To pay the cost of operation, maintenance, and repair of the undertaking, or to pay the cost of the administration, operation, and maintenance of the loan program, including reserves therefor; and
- (3) To carry out the covenants of the resolution or resolutions or certificate or certificates authorizing the issuance of the revenue bonds, including any covenants approved by the governor as to the minimum amounts of revenue to be produced by the undertaking or loan program for which the revenue bonds are issued.

The legislature of the State hereby covenants, pledges, and obligates itself, whenever it shall have authorized the issuance for an undertaking or loan program of revenue bonds payable from and secured by the user taxes derived with respect to such undertaking, or payable from and secured by such user taxes and the revenue, or any combination of both, of such undertaking or loan program to impose, or continue to impose, user taxes with respect to the undertaking in amounts at least sufficient, together with the revenue of the undertaking or loan program pledged to such payment and security, so that the undertaking or loan program shall be and always remain self-sustaining and so that all payments referred to in the preceding paragraph of this section, including reserves therefor, may be made when due and so that the covenants referred to in such provisions may be complied with. \*

**Sec. 39-60 Use of revenue and user taxes of undertaking or loan program.**

Whenever any revenue bonds have been issued under this part for an undertaking or a loan program, the revenue, or the user taxes, or combination of both, from which such revenue bonds are payable and by which they are secured of such undertaking or loan program shall be deposited in a special fund and shall be appropriated, applied, or expended, and the department shall have the right to appropriate, apply, or expend the same, in the amount necessary therefor for the following purposes and in the following order of priority:

- (1) To pay when due all revenue bonds and interest thereon issued for the undertaking or loan program, for the payment of which the revenue, or user taxes, or combination of both, is or shall have been pledged, charged, or otherwise encumbered, including reserves therefor;
- (2) To pay or provide for the payment of the cost of operation, maintenance, and repair of such undertaking, or to pay or provide for the payment of administering, operating, and maintaining such loan program, including reserves therefor;
- (3) For such purposes, within the jurisdiction, powers, duties, and functions of the department, including the creation and maintenance of reserves, as shall have been covenanted in any resolution or resolutions or certificate or certificates of the department providing for the issuance of revenue bonds;
- (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 the undertaking or loan program, or to refund any of such general obligation bonds, except insofar as such obligation of reimbursement has been or shall be canceled 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 for betterments and improvements to the undertaking or expansion of the loan program, including reserves therefor;
- (6) To provide such special reserve funds and other special funds as are or may be created by law.

Unless and until adequate provision has been made for the foregoing purposes, the State shall not have the right to transfer to its general fund or apply to any other purposes any part of the revenue, or user taxes, pledged to the payment of such revenue bonds, of such undertaking or loan program.

**Sec. 39-61 Undertaking, loan program, and revenue bonds exempt from taxation.** So long as the State owns any undertaking or administers a loan program, the property and revenue of the undertaking or loan program shall be exempt from all state, county, and municipal taxation; provided that any interest in property provided or given as security for a loan made under a loan program shall not be or be deemed to be property of a department for purposes of this section. Revenue bonds and the income therefrom issued pursuant to this part shall be exempt from all state, county, and municipal taxation except inheritance, transfer, and estate taxes.”

SECTION 6. Section 39-63, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 39-63 Construction.** The powers conferred by this part shall be in addition and supplemental to the powers conferred by any other law concerning any undertaking or loan program. An undertaking may be acquired, purchased, constructed, reconstructed, improved, bettered, and extended, and revenue bonds may be issued under this part for this purpose, notwithstanding that any other law may provide for the acquisition, purchase, construction, reconstruction, improvement, betterment, and extension of a like undertaking, and without regard to the requirements, restrictions, limitations, or other provisions contained in any other law. Insofar as the provisions of this part are inconsistent with the provisions of any other laws,

the provisions of this part shall be controlling.”

SECTION 7. Sections 39-65 to 39-67, Hawaii Revised Statutes, are amended to read as follows:

**“Sec. 39-65 Duties of the director.** The director of finance of the State, when requested by the department, shall render full and complete assistance to any department in the preparation and sale of revenue bonds issued pursuant to this part. The director shall be the fiscal agent of the department for the payment of all principal and interest, and for the transfer of bonds. The provisions of sections 36-3 and 39-12, relating to the appointment by the director of other fiscal agents and transfer agents, 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 part.

The director shall cause to be set up in the treasury of the State suitable accounts for the deposit of all revenues of the undertaking or loan program, and for the payment of all revenue bonds and the interest thereon and for all other payments provided or required by this part, and for the holding of all reserves created under this part.

**Sec. 39-66 Investment of reserves.** The director of finance, with the approval of the department, may invest any money held as reserves, which in the department’s judgment are in excess of the amounts necessary for the meeting of immediate requirements, in bonds, notes, or other obligations of the United States, or of the State, or of any political or municipal corporation or subdivision of the State. Income derived therefrom shall be treated as revenue of the undertaking or loan program; expenses of purchase, safekeeping, sale, and redemption, and all other expenses attributable to the investments shall be proper expenses of the undertaking or loan program. Securities so purchased shall be considered as being deposited in the director’s custody or control by the department.

**Sec. 39-67 Transfers to department.** When there are moneys in the general, special, or revolving funds of the State which in the director of finance’s judgment are in excess of the amounts necessary for the immediate state requirements, the director may make temporary transfers of such moneys to the department for purposes for which bonds may be issued, if in his judgment the action will not impede or hamper the necessary financial operations of the State. The total of temporary transfers for any undertaking or loan program shall not exceed the sum of the unissued bonds authorized therefor by the legislature. The general, special, or revolving funds shall be reimbursed from the proceeds of sale of such bonds upon the eventual issuance and sale of such bonds. The sale of such bonds shall not be deferred beyond the date fixed by the director for reimbursement.

Likewise, the director may make temporary transfers from such funds to any account which has been set up in the treasury for the payment of revenue bonds, or the interest thereon, or to any other account which has been set up in the treasury for the making of such other payments as are provided or required in this part. Any transfer may be made when the account is first opened and prior to any payment therefrom, or prior to the issuance of revenue bonds for the undertaking or loan program, or at any time when the account may be temporarily depleted. No transfer shall be made unless, in the director’s judgment, the account to which the moneys are transferred will be

able to effect reimbursement on or before the date fixed by the director for reimbursement.

No interest shall be charged upon any transfer so made, and transfers shall be made only upon the request of the department.”

SECTION 8. Section 39-70, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 39-70 Refunding revenue obligations.** Whenever the State or any department thereof shall have outstanding any revenue bonds and the department, with the approval of the governor and the director of finance, determines that it will be financially sound and advantageous to the State to refund the outstanding revenue bonds, the department, with the approval of the governor, shall have the power to provide for the issuance of refunding revenue bonds with which to provide for the payment of the outstanding revenue bonds or any part thereof at or before the maturity or redemption date thereof, with the right to include various series and issues of the outstanding revenue bonds in a single issue of refunding revenue bonds, and to issue refunding revenue bonds to pay any redemption premium and interest to accrue and become payable on the outstanding revenue bonds being refunded and to establish reserves for the refunding revenue bonds, and also to issue revenue bonds partly to refund outstanding revenue bonds and partly for the construction or acquisition of improvements and additions to and extensions of the undertaking for the construction or acquisition of which the outstanding revenue bonds were issued or in the case of a loan program partly to extend the loan program.

The refunding revenue bond shall be payable solely from and secured solely by the revenue of the loan program or undertaking, or the user taxes derived with respect to such undertaking, or a combination of both, from which were payable and by which were secured the outstanding revenue bonds to be refunded, and shall be a valid claim only as against such revenue, or user taxes, or combination of both. Revenue bonds issued for the purpose of establishing and administering a loan program may also be secured by a pledge of all or a portion of undertakings, mortgages, and other obligations held by the department as security for a loan made under such program. The interest rate or rates on the refunding revenue bonds shall not be limited by the interest rate or rates borne by any of the revenue bonds to be refunded thereby. The refunding revenue bonds may in the discretion of the department, with the approval of the governor and the director of finance, be exchanged at par for the revenue bonds which are being refunded or may be sold at public or private sale in such manner and at such price or prices as the department shall deem for the best interests of the State and may be issued and delivered at any time prior to the date of maturity or redemption date of the revenue bonds to be refunded that the department determines to be in the best interest of the State. The refunding revenue bonds shall, except as specifically provided in this section, be issued in accordance with the provisions with respect to revenue bonds set forth in this part. Pending the time the proceeds derived from the sale of refunding bonds issued hereunder are required for the purposes for which they were issued, such proceeds, upon authorization or approval of the governor, may be invested in obligations of, or obligations unconditionally guaranteed by, the United States of America or in savings accounts, time deposits, or certificates of deposit of any bank or trust company within or without the State, to the extent that such savings



accounts, time deposits, or certificates of deposit are collaterally secured by a pledge of obligations of, or obligations unconditionally guaranteed by, the United States of America, and to further secure such refunding revenue bonds, or the revenue bonds being refunded, or both, the State may enter into a contract with any bank or trust company, within or without the State, with respect to the safekeeping and application of the proceeds of such refunding revenue bonds, and the safekeeping and application of the earnings of such investment. All revenue bonds so refunded and redeemed by the issue and sale or issue and exchange of refunding revenue bonds shall be canceled.

Nothing in this section shall require or be deemed to require the department to elect to redeem or prepay revenue bonds being refunded, or to redeem or prepay revenue bonds being refunded which were issued in the form customarily known as term bonds in accordance with any sinking fund installment schedule specified in any proceedings authorizing the issuance thereof, or, in the event the department elects to redeem or prepay any such bonds, to redeem or prepay as of any particular date or dates. The determination of the department with respect to the financial soundness and advantage of the issuance and delivery of refunding revenue bonds authorized hereby when approved by the governor and the director of finance shall be conclusive, but nothing herein shall require the holders of any outstanding revenue bonds being refunded to accept payment thereof otherwise than as provided in the revenue bonds to be refunded.”

SECTION 9. Part IV, chapter 39, Hawaii Revised Statutes, is repealed.

SECTION 10. Chapter 39, Hawaii Revised Statutes, is amended by adding a new part IV to read:

**“PART IV. STATE DEBT LIMIT STATEMENT AND  
THE DETERMINATION OF TOTAL OUTSTANDING  
INDEBTEDNESS,  
THE EXCLUSIONS THEREFROM, AND CERTIFICATION  
THEREOF**

**Sec. 39-91 Definitions.** As used in this part, the following words and terms shall have the following meanings:

“Fiscal year” means the twelve months’ period beginning on July 1 of one calendar year and ending on June 30 of the next succeeding calendar year.

“Net general fund revenues” means for any fiscal year the amount of moneys paid into the general fund in the fiscal year, less the amounts paid therein in the fiscal year (1) received as grants from the federal government and (2) in reimbursement of the payment therefrom during such year of the principal of and interest on reimbursable general obligation bonds of the State that are excluded in determining the power of the State to issue general obligation bonds for the purposes of section 13 of Article VII of the Constitution.

As used in this part, the words and terms “bonds”, “general obligation bonds”, “net revenue”, “net user tax receipts”, “person”, “reimbursable general obligation bonds”, “revenue bonds”, “special purpose revenue bonds”, and “user

tax" shall have the respective meanings and inclusions given to such words and terms in section 12 of Article VII of the Constitution.

**Sec. 39-92 State debt limit statement.** (a) The director of finance shall annually as of July 1 of each fiscal year and following each issuance of general obligation bonds of the State ascertain and set forth in a table or other summary a statement evidencing the power of the State to issue general obligation bonds. In preparing the statements required by this section, the director of finance may rely on the statement of total outstanding indebtedness of the State and the exclusions therefrom prepared pursuant to section 39-93 to the extent such statement is concurred to by the attorney general and the comptroller. The statement shall include the following:

- (1) The total principal and interest payable in the current fiscal year and in each future fiscal year on all outstanding general obligation indebtedness of the State including outstanding general obligation bonds, reimbursable general obligation bonds, and any other outstanding general obligation bonds. Principal and interest on bonds constituting instruments of indebtedness under which the State incurs a contingent liability as a guarantor need not be included, but only to the extent the principal amount of such bonds does not exceed seven per cent of the principal amount of outstanding general obligation bonds not otherwise excluded under section 13 of Article VII of the Constitution; provided that the State shall have established and is maintaining a reserve in an amount in reasonable proportion to the outstanding loans guaranteed by the State pursuant to law.
- (2) The total principal and interest payable in the current fiscal year and in each future fiscal year on all outstanding general obligation indebtedness of the State which may be excluded under section 13 of Article VII of the Constitution in determining the power of the State to issue general obligation bonds for the purposes of that section. There shall be itemized and shown the amounts which may be excluded under each of clauses 1 through 9 of section 13; in the case of reimbursable general obligation bonds, the undertaking, improvement, system, or political subdivision for which such bonds are issued, and, except as to such bonds issued for a political subdivision, the revenues, user taxes, or both, from which the reimbursement to the general fund for the payment of the principal and interest of such bonds is to be made.
- (3) The total principal and interest payable in the current fiscal year and in each future fiscal year on all outstanding general obligation indebtedness which may not be excluded in determining the power of the State to issue general obligation bonds for the purposes of section 13 of Article VII of the Constitution.
- (4) The net general fund revenues for each of the three preceding fiscal years, the average of such net general fund revenues and, until June 30, 1982, the figure which is twenty per cent of such average; and thereafter, the figure which is eighteen and one-half per cent of such average.

The items required above to be set forth in the statement may be disclosed in such manner or arrangement as the director of finance may deem advisable, and need not be separately stated if the captions, headings, or groupings disclose the information required to be set forth.

(b) The director of finance shall also prepare and attach to the statement such supporting schedules as may be required to set forth in detail the bonds included in the itemizations required by paragraphs (1) and (2) of subsection (a) of this section. The supporting schedules shall also set forth a finding and determination of the net general fund revenues for each of the preceding three fiscal years by setting forth the following for each such preceding fiscal year:

- (1) The total of the moneys paid into the general fund in such fiscal year;
- (2) The total of the moneys paid into the general fund in such fiscal year received as grants from the federal government;
- (3) The total of the moneys paid into the general fund in such fiscal year from revenues, or user taxes, or combination thereof derived from a public undertaking, improvement, or system, to the extent such payments into the general fund were made in reimbursement of the payment during such fiscal year from the general fund of the principal and interest of reimbursable general obligation bonds issued for such undertaking, improvement, or system which are to be excluded in determining the power of the State to issue general obligation bonds;
- (4) The total of the moneys paid into the general fund in such fiscal year from the revenue of a political subdivision, to the extent such payments into the general fund were made in reimbursement of the payment during such fiscal year from the general fund of the principal and interest of reimbursable general obligation bonds issued for the political subdivision which are to be excluded in determining the power of the State to issue general obligation bonds;
- (5) The difference obtained by subtracting from the total required to be set forth in the statement by paragraph (1) of this subsection, the totals required to be set forth in the statement by paragraphs (2), (3), and (4) of this subsection, which difference shall constitute the net general fund revenues of the State for such preceding fiscal year.

(c) If payments from the general fund were made in the immediately preceding fiscal year for interest or principal of reimbursable general obligation bonds issued for an undertaking, improvement, or system, the supporting schedules relating to such undertaking, improvement, or system shall also set forth in brief and summary form the following with respect to such undertaking, improvement, or system:

- (1) The revenues or user taxes, or both, as follows:
  - (A) The amount of surplus revenues or surplus user taxes, or both, derived in prior fiscal years from or with respect to the undertaking, improvement, or system which are carried forward in the fiscal year, to the extent such surplus revenues or surplus user taxes, or both, are available in the fiscal year for the payment of costs for operation, maintenance, and repair of the undertaking, improvement, or system, the payment of interest and principal due on revenue bonds issued for the undertaking, improvement, or system, and payment into the general fund in reimbursement of the payment from the general fund of the principal and interest on reimbursable general obligation bonds issued for such undertaking, improvement, or system;

- (B) The amount of the revenues or user taxes, or both, derived in the fiscal year from or with respect to the undertaking, improvement, or system; and
  - (C) The total of (A) and (B) of this paragraph.
- (2) The total of the costs of operation, maintenance, and repair of the undertaking, improvement, or system during the fiscal year;
  - (3) The total of payments made during the fiscal year of interest and principal on revenue bonds issued for the undertaking, improvement, or system;
  - (4) The total of the payments made during the fiscal year from the general fund for interest and principal on reimbursable general obligation bonds issued for such undertaking, improvement, or system;
  - (5) The amount paid into the general fund during the fiscal year from the total net revenues or net user tax receipts, or both, set forth in the schedule pursuant to paragraph (1)(C) of this subsection of the undertaking, improvement, or system; and
  - (6) The percentage obtained by dividing the figure required to be set forth in the schedule by paragraph (4) of this subsection into the figure required to be set forth by paragraph (5) of this subsection which percentage shall constitute the percentage of the reimbursable general obligation bonds issued for the undertaking, improvement, or system which may be excluded under clause 6 of section 13 of Article VII of the Constitution when determining the power of the State to issue general obligation bonds.
- (d) The director of finance shall also prepare and attach to the statement such supporting schedules as may be necessary to be set forth in such a manner or arrangement as the director of finance may deem advisable the following:
- (1) The principal amount of bonds constituting instruments of indebtedness under which the State incurs a contingent liability as a guarantor which may be excluded under clause 8 of section 13 of Article VII of the Constitution when determining the power of the State to issue general obligation bonds;
  - (2) The total principal amount of all outstanding general obligation indebtedness of the State, including general obligation bonds, reimbursable general obligation bonds, and any other outstanding general obligation bonds;
  - (3) The total principal amount of outstanding general obligation indebtedness of the State which may be excluded under section 13 of Article VII of the Constitution. There shall be itemized and shown the amounts which may be excluded under each of clauses 1 through 9 of section 13; in the case of reimbursable general obligation bonds, the undertaking, improvement, system, or political subdivision for which such bonds are issued. The principal amount of reimbursable general obligation bonds issued for an undertaking, improvement, or system for the purposes of this paragraph shall be the product of the respective percentages obtained in subsection (c)(6) of this section and the total principal amount of outstanding reimbursable general obligation bonds issued for an undertaking, improvement, or system;
  - (4) The difference obtained by subtracting from the total required to be set forth in the statement by paragraph (2) of this subsection, the total required to be set forth in the statement by paragraph (3) of this subsection, which

difference shall constitute the principal amount of outstanding general obligation bonds not otherwise excluded under clause 8 of section 13 of Article VII of the Constitution;

- (5) The principal and interest and fraction thereof for the amount of bonds constituting instruments of indebtedness under which the State incurs a contingent liability as a guarantor obtained from paragraph (1) of this subsection which is in excess of seven per cent of the amount obtained in paragraph (4) of this subsection shall be included in the schedule set forth in subsection (a)(1) of this section.

(e) Upon the preparation by the director of finance of any statement and supporting schedules required by this section, the director shall certify such statement and supporting schedules to the governor and the presiding officers of the legislature. The statement and schedules so certified shall be conclusive as to all items therein. The director of finance shall reproduce and deliver to the legislature a sufficient number of copies of such certified statements, so that a copy of each such statement may be distributed to each member of the legislature at the next regular session thereof. Only the statement itself shall be required to be reproduced, and the copies need not include any of the supporting schedules required by this section.

(f) Prior to the issuance of any general obligation bonds the director of finance shall prepare a finding to be set forth in such a manner as the director may deem advisable that such issuance shall not cause the debt limit of the State to be exceeded.

**Sec. 39-93 Statement of total outstanding indebtedness of the State and the exclusions permitted therefrom.** (a) The director of finance shall annually ascertain and set forth in a table or other summary a statement of the total outstanding indebtedness of the State and the exclusions therefrom, as of July 1 of each fiscal year. The statement shall include the following:

- (1) The total principal amount of outstanding indebtedness of the State, separately stating the outstanding principal amount of general obligation bonds less reimbursable general obligation bonds excludable under section 13 of Article VII of the Constitution, reimbursable general obligation bonds, revenue bonds, special purchase revenue bonds, and any other outstanding bonds; and, in the case of revenue bonds, the undertaking, improvement, system, or loan program for which such bonds are issued; and, in the case of reimbursable general obligation bonds, the undertaking, improvement, system, or political subdivision for which such bonds are issued, and, except as to such bonds issued for a political subdivision, the revenues, user taxes, or both, from which the reimbursement to the general fund for the payment of the principal and interest of such bonds is to be made; and, in the case of special purpose revenue bonds, the purpose for which such bonds were issued and the person with whom the State, or a department thereof, has contracted and who is obligated to make payments to the State;
- (2) The principal amount of outstanding bonds which may be excluded under section 13 of Article VII of the Constitution when determining the total indebtedness of the State, separately stating reimbursable general obligation bonds, revenue bonds, special purpose revenue bonds, and any other outstanding bonds which may be excluded; and, in the case of revenue

bonds, the undertaking, improvement, system, or loan program for which such bonds are issued; and, in the case of reimbursable general obligation bonds, the undertaking, improvement, system, or political subdivision for which such bonds are issued, and, except as to such bonds issued for a political subdivision, the revenues, user taxes, or both, from which the reimbursement to the general fund for the payment of the principal and interest of such bonds is to be made; and, in the case of special purpose revenue bonds, the purpose for which such bonds were issued and the person with whom the State, or a department thereof, has contracted and who is obligated to make payments to the State;

- (3) The principal amount of outstanding general obligation bonds of the State less reimbursable general obligation bonds of the State excludable under section 13 of Article VII of the Constitution that have matured, or that mature in the then current fiscal year, or that have been irrevocably called for redemption and the redemption date has occurred or will occur in the then fiscal year, or for the full payment of which moneys or securities have been irrevocably set aside.

The items required above to be set forth in the statement may be disclosed in such manner or arrangement as the director of finance may deem advisable, and need not be separately stated if the captions, headings, or groupings disclose the information required to be set forth.

(b) If payments from the general fund were made in the preceding fiscal year for interest or principal of reimbursable general obligation bonds issued for an undertaking, improvement, or system, the supporting schedules shall also set forth in brief and summary form the following with respect to each such undertaking, improvement, or system:

- (1) The total of the revenues or user taxes, or both, as follows:
  - (A) The amount of surplus revenues or surplus user taxes, or both, derived in prior fiscal years from or with respect to the undertaking, improvement, or system which are carried forward in the fiscal year, to the extent such surplus revenues or surplus user taxes, or both, are available in the fiscal year for the payment of costs for operation, maintenance, and repair of the undertaking, improvement, or system, the payment of interest and principal on revenue bonds issued for the undertaking, improvement, or system and payment into the general fund in reimbursement of the payment from the general fund of the principal and interest on reimbursable general obligation bonds issued for such undertaking, improvement, or system;
  - (B) The amount of the revenues or user taxes, or both, derived in the fiscal year from or with respect to the undertaking, improvement, or system; and
  - (C) The total of (A) and (B) of this paragraph.
- (2) The total of the costs of operation, maintenance, and repair of the undertaking, improvement, or system during the fiscal year;
- (3) The total of payments made during the fiscal year of interest and principal on revenue bonds issued for the undertaking, improvement, or system;
- (4) The total of the payments made during the fiscal year from the general fund

for interest and principal on reimbursable general obligation bonds issued for such undertaking, improvement, or system;

- (5) The amount paid into the general fund during the fiscal year from the total net revenues or net user tax receipts, or both, set forth in the schedule pursuant to paragraph (1)(C) of this subsection of the undertaking, improvement, or system; and
- (6) The percentage obtained by dividing the figure required to be set forth in the schedule by paragraph (4) of this subsection into the figure required to be set forth by paragraph (5) of this subsection which percentage shall constitute the percentage of the principal amount of reimbursable general obligation bonds which may be excluded under clause 6 of section 13 of Article VII of the Constitution when determining the total principal indebtedness of the State.

(c) Supporting schedules setting forth in brief and summary form the following with respect to the allowable exclusion for bonds constituting instruments of indebtedness under which the State incurs a contingent liability as a guarantor; provided that the State shall have established and is maintaining a reserve in an amount in reasonable proportion to the outstanding loans guaranteed pursuant to law:

- (1) The principal amount of outstanding general obligation bonds less reimbursable general obligation bonds excludable under section 13 of Article VII of the Constitution as set forth in subsection (a)(1) of this section;
- (2) The amount for the purposes of this section which is seven per cent of the amount obtained in paragraph (1) of this subsection or the total of the outstanding principal amount of loans guaranteed by the State, whichever is less, shall be the exclusion for bonds constituting instruments of indebtedness under which the State incurs a contingent liability as a guarantor; provided that the State shall have established and is maintaining a reserve in an amount in reasonable proportion to the outstanding loans guaranteed by the State pursuant to law.

(d) Upon the preparation by the director of finance of any statement and supporting schedules required by this section, the director shall submit such statement and supporting schedules to the attorney general for concurrence as to all legal findings upon which such statement and supporting schedules are based, and to the comptroller for concurrence as to all matters therein. The attorney general and the comptroller shall notify the director of finance in writing of their concurrence in such statement and supporting schedules. If the attorney general or the comptroller shall disagree with any items included in the statement and supporting schedules, the attorney general or the comptroller, as the case may be, shall notify the director of finance in writing of concurrence as to all other items and as to items of disagreement and the reasons therefor. The director of finance shall thereupon certify the statement and supporting schedules to the governor and the presiding officers of the legislature, setting forth in such certification any items therein disagreed to by the attorney general or the comptroller. The statement and schedules so certified shall be conclusive as to all items therein concurred to by the attorney general and the comptroller.

The director of finance shall reproduce and deliver to the legislature by December 1 of each year a sufficient number of copies of the certified statement prepared as of July 1 of the then current fiscal year, so that a copy of the statement may be

distributed to each member of the legislature at the next regular session thereof. Only the statement itself shall be required to be reproduced, and the copies need not include any of the supporting schedules required by this section.

(e) In the event the certification by the director of finance of any statement and supporting schedules filed with the governor and the presiding officers of the legislature shall set forth therein that the attorney general or the comptroller has disagreed as to any item therein, the governor, at the governor's election, or the legislature at its election, may direct the attorney general to file a declaratory judgment action in the name of the State against the director of finance. Such action may be filed in any circuit court of the State, which courts are hereby vested with jurisdiction over such actions. If the items disagreed to concern only questions of law and all facts involved are stipulated to by the attorney general, comptroller, and director of finance, the attorney general at the attorney general's discretion may file such action in the supreme court, which court is hereby vested with original jurisdiction over such action. Upon any findings and determinations having been made by the court, the director of finance shall revise the latest statement and supporting schedules issued to reflect such findings and determinations and shall certify the revised statement and supporting schedules to the governor and the presiding officers of the legislature.

In the event the certification by the director of finance shall set forth therein that the attorney general or the comptroller has disagreed to any item therein, until such time as the disagreement is resolved by a declaratory judgment action (1) if the subject matter of the disagreement is concerned with whether certain revenues constitute general fund revenues, or whether such revenues must be deducted in determining net general fund revenues for the purposes of this part, such revenues shall not be considered to be general fund revenues, or shall be deducted in determining net general fund revenues, as the case may be; and (2) if the subject matter of the disagreement is concerned with whether bonds may be excluded under section 13 of Article VII of the Constitution in determining the total outstanding indebtedness of the State, the bonds shall be included in making such determination.

**Sec. 39-94 Arrangement of statements and schedules and forms; incorporation.** In preparing the statements and supporting schedules required by this part, the director of finance may arrange, group, and set forth such information and figures in such manner as the director deems necessary or advisable. Such information and figures need not be set out or arranged in the same order as is set forth in this part, so long as the information and figures required by this part are set forth.

All findings certified to in accordance with this part shall be deemed to be incorporated into subsequent statements and supporting schedules to the extent relevant thereto. Such findings need not be made again in any subsequent statement or supporting schedule, nor need the legal and financial basis for such findings be set forth again.

The state highway system established in part III of chapter 264 shall be deemed to be a public system that produces revenues and user tax receipts. All liquid fuel taxes as defined in section 243-1, other than taxes on aviation fuel as defined in that section, and all vehicle weight taxes as defined in section 249-33 which are paid into the state highway fund created by section 248-8 and which are not required by sections 243-6 and 248-9 to be paid to the counties shall be deemed to be user taxes



derived in the utilization of the functions and services furnished by the state highway system.

Amounts received from the federal government for the payment or reimbursement of costs of operation, maintenance, and repair of a public undertaking, improvement, or system or for the payment of the principal and interest of bonds issued for such public undertaking, improvement, or system, and for the payment or reimbursement of costs of administering, operating, and maintaining a loan program or for the payment of subsidies for a loan program, may be considered and treated as revenues of such undertaking, improvement, system, or loan program. If such amounts are deposited in the general fund immediately upon their receipt by the State, such amounts shall be deducted from the general fund revenues when determining the net general fund revenues for the purposes of this part, to the extent such amounts are utilized to justify or support a determination that bonds of the State may be excluded when determining the total outstanding indebtedness of the State for the purposes of section 13 of Article VII of the Constitution.

The director of finance may compose and adopt and have printed or otherwise reproduced any forms the director deems will facilitate the preparation and understanding of statements and supporting schedules required by this part.

All departments, boards, authorities, and officers of the State shall cooperate with the director of finance to the extent required to enable the director to prepare the statements and supporting schedules required by this part."

SECTION 11. Chapter 39, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read:

**"PART . STATEMENT ON SPECIAL  
PURPOSE REVENUE BONDS**

**Sec. 39-101 Statement on special purpose revenue bonds.** The governor shall transmit to the legislature on or before November 30 of each year a report on special purpose revenue bonds, defined in section 12 of Article VII of the Constitution, as of July 1 of the then current fiscal year. The report shall state the purpose for which such bonds were authorized, the person or persons with whom the State, or a department thereof, has contracted and who is obligated to make payments to the State, the amount of special purpose revenue bonds authorized and issued, and other such information as may be deemed necessary."

SECTION 12. Chapter 39, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read:

**"PART . LEGISLATIVE  
DETERMINATION AND LEGISLATIVE  
CERTIFICATION AS TO BONDS ISSUED  
FOR ASSESSABLE IMPROVEMENTS**

**Sec. 39-111 Legislative determination.** The provisions of this section shall be applicable to all computations and determinations required in the declaration of

findings required of the legislature for the purposes of section 13 of Article VII of the Constitution.

In determining whether an authorization of bonds when issued would cause to be exceeded the limitations on the total outstanding indebtedness of the State set forth in section 13 of Article VII of the Constitution, or whether such bonds may be excluded from such total outstanding indebtedness under clause 3, 4, 5, 8, or 9 of that section, the "time of issuance" thereof shall be deemed to be the same fiscal year in which the bonds are dated even though the date of delivery of the bonds may occur or be in the next succeeding fiscal year by reason of the definition of "fiscal year" set forth in section 39-91.

**Sec. 39-112 Legislative certification as to bonds issued for assessable improvements.** The legislature finds, determines, and certifies that (1) there are no bonds of the State issued, the only security for which is the properties benefited or improved or the assessments thereon; and (2) there are no general obligation bonds of the State issued for improvements, the costs of which are to be assessed in whole or in part against properties benefited or improved by such improvements."

SECTION 13. Part V of chapter 39, Hawaii Revised Statutes, is repealed.

SECTION 14. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 15. This Act shall take effect upon its approval.

(Approved May 16, 1979.)

## ACT 58

H.B. NO. 187

A Bill for an Act Relating to Planning.

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

**SECTION 1. Purpose.** The purpose of this Act is to provide for the collection of data with respect to the movement of persons, foreign, domestic and national, entering, leaving, and within the State, along with information as to their number, characteristics, and needs. Such information is vital to effective state planning, delivery of governmental services, and long-range policy making.

SECTION 2. Part III of Chapter 201, Hawaii Revised Statutes, is repealed.

SECTION 3. Chapter 201, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

### "PART . PLANNING INFORMATION

**Sec. 201- Definitions.** As used in this part, unless the context clearly requires otherwise:

- (1) "Director" means the director of the department of planning and economic development or his designated agent.

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

- (2) "Governmental agencies" means any of the departments, bureaus, authorities, boards, or commissions of the State or its political subdivisions.

**Sec. 201- Data or information collection.** The director, in consultation with all affected governmental agencies, shall assess the need for statistics and other information as to the number, characteristics, needs, and movement of people into, out of, or within Hawaii, including residents, migrants, and visitors, and such other information as the director may deem necessary, for purposes of effective state planning, delivery of governmental services, and long-range policy making. The director shall be responsible for collecting, analyzing, and disseminating such information to governmental agencies on a timely basis, and is authorized to use any appropriate method to collect the information, including but not limited to conducting an entry and exit census or survey of all individuals entering, leaving, or living within the State, and obtaining data or information acquired by other agencies, both public and private. All governmental agencies shall cooperate with and assist the director to implement this section.

The director may adopt necessary rules pursuant to chapter 91, to administer this section."

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

(Approved May 16, 1979.)

**ACT 59**

H.B. NO. 581

A Bill for an Act Relating to the State Librarian.

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

SECTION 1. Section 312-2.1, Hawaii Revised Statutes, is amended to read:

**"Sec. 312-2.1 State librarian; salary.** The state librarian, under the direction of the superintendent of education, shall be responsible for the operation of all community/school and public libraries within the State. Notwithstanding any other law to the contrary, the salary of the state librarian shall be set by the board of education and shall be the same as that of an assistant superintendent of education."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 16, 1979.)

**ACT 60**

H.B. NO. 583

A Bill for an Act Relating to Environmental Quality and Litter Control.

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

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

**SECTION 1. Findings and purpose.** The legislature finds that the visual appearance of much of our State is blighted by the presence of litter. In Act 2, First Special Session of 1977, the legislature established the litter control program to coordinate efforts to reduce the amount of litter in Hawaii. The legislature finds that an effective and ongoing public education and awareness program has been established. The legislature further finds that through the coordination of voluntary efforts, encouragement of recycling, business sponsorship of programs, provision of more litter receptacles, establishment of litter receptacle requirements, and establishment of more effective enforcement programs, significant efforts have been made to control the amount and extent of litter. The legislature finds that a continuation of efforts and programs is necessary to achieve the permanent reduction of litter in the State. The purpose of this Act is to provide for more consistent and effective prohibitions and penalties for littering in the State.

**SECTION 2.** Section 339-1, Hawaii Revised Statutes, is amended to read:

**“Sec. 339-1 Definitions.** As used in this chapter:

- (1) “Beverage” means beer or other malt beverages, mineral waters, fruit juices, ades, and other similar non-carbonated drinks, soda water and flavored carbonated drinks, in liquid form and intended for human consumption.
- (2) “Beverage container” means the individual, separate, sealed glass, metal or plastic bottle or can, containing a beverage.
- (3) “Department” means the department of health.
- (4) “Director” means the director of the department of health.
- (5) “Litter” means rubbish, refuse, waste material, garbage, trash, offal, or any debris of whatever kind or description, whether or not it is of value, and includes improperly discarded paper, metal, plastic, glass, or solid waste.
- (6) “Litter bag” means a bag, sack, or other container which is large enough to serve as a receptacle for litter.
- (7) “Litter receptacle” means any container approved by the director and made available for the depositing of wastes.
- (8) “Public place” means any area that is used or held out for use by the public whether owned or operated by public or private interests.
- (9) “Recycle” means to extract from the waste collection items for which a market exists and delivering such items to a point where they are converted to a material for later manufacture or reprocessing.
- (10) “Watercraft” means any boat, ship, vessel, or other floating craft which is berthed in or sails upon the territorial waters of Hawaii.
- (11) “Waters of the State” means any stream, river, ocean, canal, harbor, bay, or the like located within the territorial limits of the State.”

**SECTION 3.** Section 339-4, Hawaii Revised Statutes, is amended to read:

**“Sec. 339-4 Prohibition.** (a) No person shall discard or otherwise dispose of litter in a public place, or on private property, without the consent of the owner, whose interest is affected thereby, or in the waters of the State except:

- (1) In a place which is designated by the department or the county for the disposal of garbage and refuse.

(2) Into a litter receptacle.

(3) Into a litter bag, provided that the bag is disposed of properly into a litter receptacle or in a place which is designated by the department or the county for the disposal of garbage and refuse.

(b) In the case of litter discarded or deposited from a vehicle on any highway, the driver of the vehicle may be cited for any litter discarded or deposited from such vehicle.

(c) No person in any way shall damage any litter receptacle so as to interfere with its proper function or to detrimentally affect its proper appearance.

(d) No person shall remove from its place, any litter receptacle which he does not own, or for which he does not have responsibility.

(e) No person shall transport litter from private households or commercial activities and discard them in litter receptacles located in public places.”

SECTION 4. Section 339-8, Hawaii Revised Statutes, is amended to read:

“**Sec. 339-8 Penalties.** Except as otherwise provided in this chapter, any person violating any provision of this chapter or any rule promulgated hereunder shall be guilty of a violation, and shall be fined not more than \$250 for each offense, or be ordered to pick up and remove litter from a public place under the supervision of the director or as the court shall otherwise provide for a period not exceeding eight hours, or both, for each offense. The penalty shall depend upon the type, quantity and location of the litter and on whether the litterer has previously been found in violation of this chapter. Major offenders should be subject to both the fine and to litter pick up and removal. All persons who are caught littering may be required to remove the litter that they caused or are liable for the costs of removing that litter.”

SECTION 5. Section 708-829, Hawaii Revised Statutes, is amended by amending subsection (2) to read:

“(2) “Litter” means rubbish, refuse, waste material, garbage, trash, offal or debris of whatever kind or description, and whether or not it is of value, and includes improperly discarded paper, metal, plastic, glass, or solid waste.”

SECTION 6. Section 291C-132, Hawaii Revised Statutes, is amended by amending subsection (b) to read:

“(b) “Litter” means rubbish, refuse, waste material, garbage, trash, offal, or debris of whatever kind or description, whether or not it is of value, and includes improperly discarded paper, metal, plastic, glass, or solid waste.”

SECTION 7. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 8. This Act shall take effect upon its approval.

(Approved May 16, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

## ACT 61

H.B. NO. 588

A Bill for an Act Relating to the Hawaii Employment Security Law.

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

SECTION 1. Section 383-103, Hawaii Revised Statutes, is amended by amending subsection (b) to read:

“(b) All criminal actions for violations of this chapter, or of any rule or regulation issued pursuant thereto, shall be prosecuted by the attorney general or public prosecutor or county attorney of any county in which the employer has a place of business or the violator resides.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 16, 1979.)

## ACT 62

H.B. NO. 1666

A Bill for an Act Relating to Taxation.

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

SECTION 1. The legislature finds that once again Congress has enacted major income tax legislation during the 1978 calendar year and that the State must continue in its efforts towards conforming the state income tax law with the Internal Revenue Code. The legislature also finds that during the interim since the regular session of 1978, the department of taxation has found additional amendments which should be made to the state tax law to fulfill the efforts of the legislative and executive branches in maintaining income tax conformity.

The purpose of this Act is to continue the efforts of the State in maintaining the conformity of the state income tax law with the federal Internal Revenue Code.

SECTION 2. Chapter 235, Hawaii Revised Statutes, is amended as follows:

1. Section 235-2.3 is amended by amending subsections (a) to (c) to read:

“(a) For all taxable years beginning after December 31, 1978, as used in this chapter “Internal Revenue Code” means subtitle A, chapter 1 of the federal Internal Revenue Code of 1954 as amended as of December 31, 1978 as it applies to the determination of gross income, adjusted gross income, ordinary income and loss, and taxable income, except those provisions of the Internal Revenue Code and federal Public Law which pursuant to this chapter and this section do not apply or are otherwise limited in application and except that amendments to the Internal Revenue Code made by Public Law 95-600, section 702 (with respect to technical, clerical, and conforming amendments to estate and gift tax provisions) shall be operative for the purposes of this chapter on the effective dates set forth in section 702.

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

Sections 235-2, 235-2.1, and 235-2.2 shall continue to be used to determine (1) the basis of property, if a taxpayer first determined the basis of property in a taxable year to which such sections apply, and if such determination was made before January 1, 1978, and (2) gross income, adjusted gross income, ordinary income and loss, and taxable income for a taxable year to which such sections apply where such taxable year begins before January 1, 1978, except that amendments to the Internal Revenue Code made by Public Law 95-600, section 702 (with respect to technical, clerical, and conforming amendments to estate and gift tax provisions) shall be operative for the purposes of (1) and (2) of this subsection even if such determination was made or such taxable year begins before January 1, 1978.

(b) The following Internal Revenue Code subchapters, parts of subchapters, sections, subsections, and parts of subsections shall not be operative for the purposes of this chapter, unless otherwise provided:

- (1) Subchapter A (sections 1 to 58) (with respect to determination of tax liability).
- (2) Section 78 (with respect to dividends received from certain foreign corporations by domestic corporations choosing foreign tax credit).
- (3) Section 103 (with respect to interest on certain governmental obligations). For treatment, see section 235-7(b).
- (4) Section 116 (with respect to partial exclusion of dividends received by individuals). For treatment, see section 235-7(c).
- (5) Section 120 (with respect to amounts received under qualified group legal services plans). For treatment, see subsection (g) of this section and sections 235-7(a)(10) to (12) and 235-9(a)(2) and (5).
- (6) Section 122 (with respect to certain reduced uniformed services retirement pay). For treatment, see section 235-7(a)(3).
- (7) Section 151 (with respect to allowance of deductions for personal exemptions). For treatment, see section 235-54.
- (8) Section 169 (with respect to amortization of pollution control facilities). For treatment, see section 235-11.
- (9) Subchapter B, part VIII (sections 241 to 250) (with respect to special deductions for corporations), except sections 248 (with respect to organizational expenditures) and 249 (with respect to limitation on deduction of bond premium on repurchase). For treatment, see section 235-7(c).
- (10) Section 280C (with respect to portion of wages for which credit is claimed under section 44B).
- (11) Section 367 (with respect to foreign corporations).
- (12) Section 457 (with respect to deferred compensation plans with respect to service for state and local governments).
- (13) Subchapter F (sections 501 to 528) (with respect to exempt organizations), except as provided in subsection (g) of this section. For treatment, see section 235-9.
- (14) Subchapter G (sections 531 to 565) (with respect to corporations used to avoid income tax on shareholders).
- (15) Subchapter H (sections 581 to 596) (with respect to banking institutions). For treatment, see chapter 241.

- (16) Section 642(a), (b), and (d) (with respect to special rules for credits and deductions).
- (17) Section 668 (with respect to interest charge on accumulation distributions from foreign trusts).
- (18) Subchapter L (sections 801 to 844) (with respect to insurance companies). For treatment, see sections 431-318 and 431-320.
- (19) Section 853 (with respect to foreign tax credit allowed to shareholders). For treatment, see section 235-55.
- (20) Subchapter N (sections 861 to 999) (with respect to tax based on income from sources within or without the United States). For treatment, see sections 235-4, 235-5, and 235-7(b).
- (21) Section 1055 (with respect to redeemable ground rents).
- (22) Section 1057 (with respect to election to treat transfer to foreign trust, etc., as taxable exchange).
- (23) Section 1201 (with respect to alternative tax). For treatment, see section 235-71(a).
- (24) Subchapter Q (sections 1301 to 1351) (with respect to readjustment of tax between years and special limitations).
- (25) Subchapter T (sections 1381 to 1388) (with respect to cooperatives and their patrons). For treatment, see chapter 421.

(c) The determinations, provisions, and requirements relating to zero-bracket amounts in the amendments to the Internal Revenue Code by Public Law 95-30, sections 101 (with respect to change in tax rates and tax tables to reflect permanent increase in standard deduction) and 102 (with respect to change in definition of taxable income to reflect change in tax rates and tables) and Public Law 95-600, section 101(b) (with respect to increase in zero-bracket amount) and any other present or future amendments to the Internal Revenue Code relating to zero-bracket amounts shall not be operative for the purposes of this chapter.”

2. Section 235-2.3 is amended by amending subsection (f) to read:

“(f) In administering the provisions of sections 410 to 415 (with respect to special rules relating to pensions, profit sharing, stock bonus plans, etc.) of the Internal Revenue Code, the department of taxation shall adopt rules under chapter 91 relating to the specific requirements under such sections and to such other administrative requirements under those sections as may be necessary for the efficient administration of sections 410 to 415.

In administering sections 401 to 415 (with respect to deferred compensation) of the Internal Revenue Code, Public Law 93-406, section 1017(i), shall be operative for the purposes of this chapter.

In administering section 402 (with respect to the taxability of beneficiary of employees’ trust) of the Internal Revenue Code, the tax imposed on lump sum distributions by section 402(e) of the Internal Revenue Code shall be operative for the purposes of this chapter and the tax imposed therein is hereby imposed by this chapter at the rate determined under this chapter.”

3. Section 235-2.3 is amended by amending subsection (n) to read:

“(n) The director of taxation may adopt by rule under chapter 91 the rules and regulations promulgated by the United States Secretary of Treasury or a delegate of the Secretary relating to the provisions of subtitle A, chapter 1 or 6, of the Internal



Revenue Code operative in this chapter and any administrative provisions of the Internal Revenue Code (subtitle F, section 6001 to 7852) not in conflict with or similar to provisions contained in this chapter or chapter 231 or 232 either by reference or by setting them forth in full.”

4. By adding a new section to be appropriately designated and to read:

“**Sec. 235- Returns relating to unemployment.** (a) The state department of labor and industrial relations shall submit a return to the department of taxation according to the forms or rules prescribed by the director of taxation setting forth the aggregate amounts of payments of unemployment compensation and the name and address of the individual to whom paid under chapters 383 to 385.

(b) The department of labor and industrial relations shall furnish to each individual whose name is set forth in such return a written statement showing:

- (1) The name and address of the department of labor and industrial relations; and
- (2) The aggregate amount of payments to the individual as shown on such return.

The written statement required by this subsection shall be furnished to the individual on or before January 31 of the year following the calendar year for which the return under subsection (a) was made. No statement shall be required to be furnished to any individual under this subsection if the aggregate amount of payments to such individual shown on the return made under subsection (a) is less than \$10.”

5. Section 235-3 is amended by amending subsection (c) to read:

“(c) Where, under a provision of the Internal Revenue Code made operative in this chapter, the allowance or disallowance to a taxpayer of a deduction, exclusion, adjustment, credit, or exemption is dependent on whether, under the Internal Revenue Code or a prior applicable federal income tax law, the following was or was not, is or is not, in relation to the same taxpayer or another taxpayer, for the same taxable year or a prior taxable year, an operative factor: the imposition or payment of an income tax, an inclusion in gross income, an exclusion from gross income, or a deduction from gross income—the allowance or disallowance under this chapter of such deduction, exclusion, adjustment, credit, or exemption shall depend on the operativeness of such factor or factors under this chapter or a prior applicable income tax law of the State. This subsection shall govern the application of such sections of the Internal Revenue Code as, for example, sections 111, 215, 668(b), and 7852(c) and all matters of a similar nature.”

6. Section 235-7 is amended by amending subsection (a) 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 but the amount of the exclusion shall not exceed the exclusion allowed under section 85 of the Internal Revenue Code made operative for the purposes of this chapter (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(a)(5) to (8), 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;
  - (9) 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;
  - (10) The value of legal services provided by a prepaid legal service plan to a taxpayer, his spouse, and his dependents;
  - (11) Amounts paid, directly or indirectly, by a prepaid legal service plan to a taxpayer as payment or reimbursement for the provision of legal services to the taxpayer, his spouse, and his dependents;
  - (12) Contributions by an employer to a prepaid legal service plan for compensation (through insurance or otherwise) to his employees for the costs of legal services incurred by his employees, their spouses, and their dependents.”
7. Section 235-7 is amended by amending subsection (d) to read:
- “(d) (1) For taxable years ending before January 1, 1967, the net operating loss deductions allowed as carry-backs and carry-overs by the Internal Revenue Code shall not be allowed. In lieu thereof the net operating loss deduction shall consist of the excess of the deductions allowed by this chapter over the

gross income, computed with the modifications specified in paragraphs (1) to (4) of section 172(d) of the Internal Revenue Code, and with the further modification stated in paragraph (3) hereof; and shall be allowed as a deduction in computing the taxable income of the taxpayer for the succeeding taxable year.

- (2) (A) With respect to net operating loss deductions resulting from net operating losses for taxable years ending after December 31, 1966, the net operating loss deduction provisions of the Internal Revenue Code shall apply, provided that there shall be no net operating loss deduction carried back to any taxable year ending prior to January 1, 1967.
- (B) In the case of a taxable year beginning in 1966 and ending in 1967, the entire amount of all net operating loss deductions carried back to the taxable year shall be limited to that portion of taxable income for such taxable year which the number of days in 1967 bears to the total days in the taxable year ending in 1967.
- (C) The computation of any net operating loss deduction for a taxable year covered by this subsection shall require the further modifications stated in paragraphs (3), (4), and (5) of this subsection.
- (3) In computing the net operating loss deduction allowed by this subsection there shall be included in gross income the amount of interest which is excluded from gross income by subsection (a), decreased by the amount of interest paid or accrued which is disallowed as a deduction by subsection (e). In determining the amount of the net operating loss deduction under this subsection of any corporation, there shall be disregarded the net operating loss of such corporation for any taxable year for which the corporation is an electing small business corporation.
- (4) A net operating loss carryback shall be limited to each of three taxable years preceding the taxable year of such loss. A net operating loss carryover shall be limited to each of the five taxable years following the taxable year of such loss. No net operating loss carryback or carryover shall be allowed by this chapter if not allowed under section 172 of the Internal Revenue Code.
- (5) The election to relinquish the entire carryback period with respect to a net operating loss allowed under section 172(b) (3) (C) of the Internal Revenue Code shall be operative for the purposes of this chapter, subject to the limitations set forth in paragraph (4) of this subsection; provided that no taxpayer shall make such an election as to a net operating loss of a business where such net operating loss occurred in the taxpayer's business prior to the taxpayer entering business in this State."

8. Section 235-9 is amended by amending subsection (a) to read:

"(a) Except as provided in sections 235-61 to 235-67 relating to withholding and collection of tax at source, and section 235-2.3(g) relating to "unrelated business taxable income", the following persons and organizations shall not be taxable under this chapter:

- (1) Banks, building and loan associations, industrial loan companies, and small business investment companies taxable under chapter 241; and insurance companies and agricultural cooperative associations, exclusively taxable under other laws;

- (2) Corporations, companies, associations, or trusts conducted solely for charitable, religious, educational, prepaid legal services, or scientific purposes within the State, including fraternal beneficiary societies;
  - (3) Corporations, companies, associations, or trusts organized for the establishment and conduct of cemeteries, no part of the net earnings of which inures to the financial benefit of any private shareholder or individual;
  - (4) Business leagues, chambers of commerce, real estate boards, or boards of trade, not organized for profit, and no part of the net earnings of which inures to the benefit of any private shareholder or individual;
  - (5) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare which shall include the operation of a prepaid legal service plan, or local associations of employees, the membership of which is limited to the employees of a designated person or persons, and the net earnings of which are devoted exclusively to charitable, educational, prepaid legal service, or recreational purposes within the State;
  - (6) Labor organizations;
  - (7) Clubs organized and operated exclusively for pleasure, recreation, and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any private shareholder;
  - (8) A trust forming part of a stock bonus, pension, or profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries, and which meets the requirements of the Internal Revenue Code for exemption from the tax thereby imposed.”
9. Section 235-51 is amended to read:

“**Sec. 235-51 Tax on individuals; rate.** (a) There shall be assessed, levied, collected, and paid, for each taxable year on the taxable income of every individual, a tax in the following amounts:

If the taxable income is:	The tax shall be:
Not over \$500	2.25% of taxable income
Over \$500, but not over \$1,000	\$11.25 plus 3.25% of excess over \$500
Over \$1,000, but not over \$1,500	\$27.50 plus 4.5% of excess over \$1,000
Over \$1,500, but not over \$2,000	\$50.00 plus 5% of excess over \$1,500
Over \$2,000, but not over \$3,000	\$75.00 plus 6.5% of excess over \$2,000
Over \$3,000, but not over \$5,000	\$140.00 plus 7.5% of excess over \$3,000
Over \$5,000, but not over \$10,000	\$290.00 plus 8.5% of excess over \$5,000
Over \$10,000, but not over \$14,000	\$715.00 plus 9.5% of excess over \$10,000
Over \$14,000, but not over \$20,000	\$1,095.00 plus 10% of excess over \$14,000

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Over \$20,000, but not over \$30,000	\$1,695.00 plus 10.5% of excess over \$20,000
Over \$30,000	\$2,745.00 plus 11% of excess over \$30,000.

(b) Tax on head of household; rate. There shall be assessed, levied, collected, and paid, for each taxable year on the taxable income of every individual who is a head of household, a tax in the following amounts:

If the taxable income is:

The tax shall be:

Not over \$500	2.25% of taxable income
Over \$500, but not over \$1,000	\$11.25 plus 2.75% of excess over \$500
Over \$1,000, but not over \$1,500	\$25.00 plus 3.9% of excess over \$1,000
Over \$1,500, but not over \$2,000	\$44.50 plus 4.1% of excess over \$1,500
Over \$2,000, but not over \$3,000	\$65.00 plus 5.5% of excess over \$2,000
Over \$3,000, but not over \$5,000	\$120.00 plus 6.6% of excess over \$3,000
Over \$5,000, but not over \$10,000	\$252.00 plus 7.9% of excess over \$5,000
Over \$10,000, but not over \$20,000	\$647.00 plus 9.15% of excess over \$10,000
Over \$20,000, but not over \$30,000	\$1,562.00 plus 10.05% of excess over \$20,000
Over \$30,000, but not over \$40,000	\$2,567.00 plus 10.5% of excess over \$30,000
Over \$40,000, but not over \$60,000	\$3,617.00 plus 10.75% of excess over \$40,000
Over \$60,000	\$5,757.00 plus 11% of excess over \$60,000.

(c) Any taxpayer, other than a corporation, acting as a business entity in more than one state who is required by this chapter to file a return and whose only activities in this State consist of sales and who does not own or rent real estate or tangible personal property and whose annual gross sales in or into this State during the tax year is not in excess of \$100,000 may elect to report and pay a tax of .5 per cent of such annual gross sales.”

10. Section 235-55.6 is amended by amending subsection (f) to read:

“(f) Special rules. For purposes of this section:

- (1) Maintaining household. An individual shall be treated as maintaining a household for any period only if over half the cost of maintaining the household for such period is furnished by such individual (or, if such individual is married during such period, is furnished by such individual and his spouse).
- (2) Married couples must file joint return. If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if

the taxpayer and his spouse file a joint return for the taxable year.

- (3) Marital status. An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.
- (4) Certain married individuals living apart. If:
  - (A) An individual who is married and who files a separate return:
    - (i) Maintains as his home a household which constitutes for more than one-half of the taxable year the principal place of abode of a qualifying individual, and
    - (ii) Furnishes over half of the cost of maintaining such household during the taxable year, and
  - (B) During the last six months of such taxable year such individual's spouse is not a member of such household, such individual shall not be considered as married.
- (5) Special dependency test in case of divorced parents, etc. If:
  - (A) A child (as defined in section 151(e)(3) of the Internal Revenue Code of 1954, as amended, who is under the age of fifteen or who is physically or mentally incapable of caring for himself receives over half of his support during the calendar year from his parents who are divorced or legally separated under a decree of divorce or separate maintenance or who are separated under a written separation agreement, and
  - (B) Such child is in the custody of one or both of his parents for more than one-half of the calendar year, in the case of any taxable year beginning in such calendar year such child shall be treated as being a qualifying individual described in subsection (c)(1)(A) or (B), as the case may be, with respect to that parent who has custody for a longer period during such calendar year than the other parent, and shall not be treated as being a qualifying individual with respect to such other parent.
- (6) Payments to related individuals. No credit shall be allowed under subsection (a) for any amount paid by the taxpayer to an individual:
  - (A) With respect to whom, for the taxable year, a deduction under section 151(e) of the Internal Revenue Code of 1954, as amended (relating to deduction for personal exemptions for dependents) is allowable either to the taxpayer or the taxpayer's spouse, or
  - (B) Who is a child of the taxpayer (within the meaning of section 151(e)(3) of the Internal Revenue Code of 1954, as amended) who has not attained the age of nineteen at the close of the taxable year.

For purposes of this paragraph, the term "taxable year" means the taxable year of the taxpayer in which the service is performed.
- (7) Student. The term "student" means an individual who during each of five calendar months during the taxable year is a full-time student at an educational organization.
- (8) Educational organization. The term "educational organization" means a school operated by the department of education or licensed under chapter 298, or a university, college, or community college."

11. Section 235-71 is amended by amending subsection (d) to read:

“(d) In the case of a real estate investment trust there is imposed on the taxable income, computed as provided in sections 857 and 858 of the Internal Revenue Code but with the changes and adjustments made by this chapter (without prejudice to the generality of the foregoing, the deduction for dividends paid is limited to such amount of dividends as is attributable to income taxable under this chapter), a tax consisting in the sum of the following: 5.85 per cent if the taxable income is not over \$25,000, and on all over \$25,000, 6.435 per cent; 3.08 per cent on the amount of capital gain which is taxed under section 857(b)(3)(A) of the Internal Revenue Code. In addition to any other penalty provided by law any real estate investment trust whose tax liability for any taxable year is deemed to be increased pursuant to section 859(b)(2)(A) or 860(c)(1)(A) after December 31, 1978 (relating to interest and additions to tax determined with respect to the amount of the deduction for deficiency dividends allowed) of the Internal Revenue Code shall pay a penalty in an amount equal to the amount of interest for which such trust is liable that is attributable solely to such increase. The penalty payable under this subsection with respect to any determination shall not exceed one-half of the amount of the deduction allowed by section 859(a), or 860(a) after December 31, 1978, of the Internal Revenue Code for such taxable year.”

12. Section 235-97 is amended by amending subsections (a) and (b) to read:

- “(a) (1) Individuals and corporations, but not estates or trusts, shall annually furnish the department of taxation with a declaration of estimated tax for the current taxable year. Declarations of estimated tax shall, except as otherwise provided by regulation, be governed by the provisions as to returns contained in sections 235-94, 235-94.5, 235-98, and 235-99. The declaration shall be filed, in the case of individuals on the calendar year basis on or before April 20, and in the case of corporations on the calendar year basis on or before September 20. In the case of a husband and wife who are entitled to make a joint declaration for federal purposes, a single declaration may be made by them jointly, in which case the liability with respect to the estimated tax shall be joint and several; if a joint declaration is made but a joint return is not made for the taxable year, the estimated tax for such year may be treated as the estimated tax of either the husband or the wife or may be divided between them.
- (2) Each individual shall transmit, with his declaration, payment of one-quarter of the estimated tax for the current taxable year. In determining this quarterly payment and all other installments, there first shall be deducted from the total estimated tax the amount of estimated tax withholding or collection at source for the taxable year. Thereafter, on the twentieth day of June and September, the individual shall pay one-quarter of the estimated tax. The fourth quarter of the estimated tax shall be paid by January 20 of the year following the taxable year for which the estimate was made.
- (3) Each corporation shall transmit, with its declaration, payment of one-half of the estimated tax for the current taxable year. The second half of the estimated tax shall be paid by January 20 of the year following the taxable year for which the estimate was made.
- (4) Individuals and corporations operating on a fiscal year basis shall make

similar estimates and tax payments, on or before the twentieth day of the fourth month of the fiscal year in the case of individuals and the ninth month of the fiscal year in the case of corporations, and periodically thereafter so as to conform to the payments and returns required in the case of those on a calendar year basis.

- (5) The department may by regulation excuse individuals from filing an estimate in those cases where the gross income and exemptions are such that no tax is expected to accrue under this chapter, or are such that substantially all the tax will be collected through tax withholding or at the source, or are such that the total estimated tax is less than \$40 after deducting the total estimated credits allowed.
- (6) In the case of a foreign corporation, the department may excuse the filing of an estimate and the payment of estimated tax if it is satisfied that less than fifteen per cent of the corporation's business for the taxable year will be attributable to the State. For the purposes of this paragraph, fifteen per cent of a corporation's business shall be deemed attributable to the State if fifteen per cent or more of the entire gross income of the corporation (which for the purposes of this paragraph means gross income computed without regard to source in the State) is under section 235-5 and the other provisions of this chapter attributable to the State.
- (7) In the case of a domestic corporation whose tax liability is less than \$40, the department may excuse the filing of an estimate and the payment of estimated tax.

(b) Net income returns for the taxable year shall be filed with the department on or before the twentieth day of the fourth month following the close of the taxable year, and shall be accompanied by payment of the balance of the tax for the taxable year, or the entire tax for the taxable year, as the case may be. These returns shall be filed both by persons required to make declarations of estimated tax pursuant to this section and by persons not required to make declarations of estimated tax."

13. Section 235-112 is amended by amending subsection (a) to read:

"(a) If a taxpayer has made the election provided in section 1033(a)(2)(A) of the Internal Revenue Code, the rules stated in this section apply."

SECTION 3. Section 241-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read:

"(b) The "entire net income from all sources" shall be determined in the same manner and† the "taxable income" of a corporation, as provided by chapter 235, with the following changes and adjustments:

- (1) There is included in gross income interest received upon the obligations of the United States or its possessions, or upon securities issued under the authority of an act of Congress, or upon state, territorial, municipal, county, or other bonds or securities whether or not the income from such obligations, bonds, or securities, is tax free. Section 235-7(a)(1), (6), and (7) does not apply.
- (2) Section 235-3(c), (d), and (e) does not apply.

†So in original. Probably should read "as".



- (3) In lieu of section 235-4, it is provided that there shall be excluded the gross income from property owned, trade or business carried on, and other sources outside the State.
- (4) Section 235-5 does not apply. The income excluded pursuant to paragraph (3) shall be determined by an allocation and separate accounting. Losses from property owned outside the State and from other sources outside the State shall not be deducted. Reserves shall be allocated to the State by the application of a fraction, the numerator of which consists of the gross income included in determining the "entire net income from all sources" pursuant to this chapter and the denominator of which consists in the gross income similarly ascertained but without regard to whether from sources within or without the State.
- (5) Deductions connected with income which by this chapter is required to be included in the computation of net income shall be allowed, but deductions connected with income which by this chapter is not to be included in the computation of net income shall not be allowed. Section 235-7(e)(1) does not apply.
- (6) One-half of such amount of capital gain, as under the Internal Revenue Code, is entitled to the alternative tax treatment, is deductible in the determination of net income.
- (7) Section 166 of the Internal Revenue Code does not apply, except the provisions as to the basis for determining the amount of the deduction for a bad debt. Section 593 of the Internal Revenue Code does not apply. In lieu of the cited sections of the Internal Revenue Code, debts ascertained to be worthless and charged off on the books of the taxpayer within the income year may be deducted, or in the discretion of the department of taxation a reasonable addition to a reserve for bad debts; provided that when satisfied that a debt is recoverable only in part, the department may allow the debt to be charged off in part.
- (8) Federal income taxes upon income derived or received from sources in the State may be deducted.
- (9) In the case of any life insurance company (as defined by the Internal Revenue Code), which is determined to be a financial corporation as defined by this chapter, sections 802, 804, and 818 of the Internal Revenue Code do not apply. The total of the deductions allowed by sections 805 and 812 of the Internal Revenue Code shall not exceed the amount of the required interest, as defined by section 805, subsections (c) and (d), of the Internal Revenue Code.
- (10) Section 582(c) (with respect to bonds, etc., losses and gains of financial institutions) of the Internal Revenue Code shall be operative for the purposes of this chapter."

SECTION 4. If any section, sentence, clause, or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portion of this Act, or the application of this Act to other persons or circumstances shall not be affected. The legislature declares that it would have passed this Act and each section, sentence, clause, or phrase thereof irrespective of the fact that any one or more other sections, sentences, clauses, or

phrases is declared unconstitutional or invalid.

SECTION 5. All laws and parts of laws heretofore enacted which are in conflict with the provisions of this Act are amended to conform with this Act. All acts passed during this regular session of 1979, whether enacted before or after the effective date of this Act, shall be amended to conform to this Act, unless such acts specifically provide that this Act is being amended.

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 7. This Act, upon its approval, shall apply to taxable years beginning after December 31, 1978, except as otherwise provided in this Act.

(Approved May 16, 1979.)

## ACT 63

S.B. NO. 666

A Bill for an Act Relating to Recovery of Overpayments of Public Assistance.

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

SECTION 1. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

**“Sec. 346- Recovery of public assistance overpayments.** All overpayments of public assistance funds, including but not limited to overissuances of financial assistance, food stamp bonuses under a food stamp plan, medicaid assistance, and incorrect vendor payments in behalf of a recipient, shall constitute a debt due and owing to the department by the recipient of such overpayments. In addition to the remedies elsewhere prescribed in this chapter for the recovery of assistance fraudulently obtained, recovery of all overpayments will be made to the extent allowable by federal regulations.

The department shall promulgate and enforce such rules and regulations as may be necessary to effect maximum recovery of public assistance overpayments, including but not limited to the reduction of future public assistance grants. Departmental rules and regulations for the recovery of overpayments shall prescribe procedures for recourse to the civil courts when required, the filing of liens against the real property of overpaid recipients, and the filing of claims against the estate of a deceased recipient who has received overpayments which have not been recovered. Nothing in this section shall preclude the director of social services from promulgating procedures for waiving the recovery of overpayments in cases of bona fide hardship or where the costs of recovery would exceed the amount expected to be recovered.”

SECTION 2. New statutory material is underscored. \*

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

(Approved May 16, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

A Bill for an Act Relating to Procedures for Adoption, Amendment or Repeal of Rules.

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

SECTION 1. Section 91-3, Hawaii Revised Statutes, is amended to read:

**“Sec. 91-3 Procedure for adoption, amendment or repeal of rules.** (a) Prior to the adoption of any rule authorized by law, or the amendment or repeal thereof, the adopting agency shall:

- (1) Give at least twenty days' notice for a public hearing. Such notice shall include a statement of the substance of the proposed rule, and of the date, time and place where interested persons may be heard thereon. The notice shall be mailed to all persons who have made a timely written request of the agency for advance notice of its rulemaking proceedings, and published at least once in a newspaper of general circulation in the State for state agencies and in the county for county agencies.
- (2) Afford all interested persons opportunity to submit data, views, or arguments, orally or in writing. The agency shall fully consider all written and oral submissions respecting the proposed rule. The agency may make its decision at the public hearing or announce then the date as to when it intends to make its decision. Upon adoption, amendment, or repeal of a rule, the agency shall, if requested to do so by an interested person, issue a concise statement of the principal reasons for and against its determination.

(b) Notwithstanding the foregoing, if an agency finds that an imminent peril to the public health, safety, or morals or to livestock and poultry health requires adoption, amendment, or repeal of a rule upon less than twenty days' notice of hearing, and states in writing its reasons for such finding, it may proceed without prior notice or hearing upon such abbreviated notice and hearing as it finds practicable to adopt an emergency rule to be effective for a period of not longer than one hundred twenty days without renewal.

(c) The adoption, amendment, or repeal of any rule by any state agency shall be subject to the approval of the governor. The adoption, amendment, or repeal of any rule by any county agency shall be subject to the approval of the mayor of the county. The provisions of this subsection shall not apply to the adoption, amendment, and repeal of the rules and regulations of the county boards of water supply.

(d) The requirements of subsection (a) may be waived by the governor in the case of the State, or by the mayor in the case of a county, whenever a state or county agency is required by federal provisions to promulgate rules as a condition to receiving federal funds and such agency is allowed no discretion in interpreting such federal provisions as to the rules required to be promulgated; provided, however, that the agency shall make such adoption, amendment, or repeal known to the public by publishing a statement of the substance of the proposed rule at least once in a newspaper of general circulation in the State prior to the waiver of the governor or the mayor.”

SECTION 2. New statutory material is underscored.\*

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

(Approved May 16, 1979.)

## ACT 65

S.B. NO. 1303

A Bill for an Act Relating to Adoption of Children.

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

SECTION 1. The purpose of this Act is to prohibit discrimination against persons who are blind or who have any other physical disability in regard to the adoption of children.

SECTION 2. Section 578-8, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 578-8 Hearing; investigation; decree.** No decree of adoption shall be entered unless a hearing has been held at which the petitioner or petitioners, and any legal parent married to a petitioner, and any individual whose consent is required, have personally appeared before the court, unless expressly excused by the court. After considering the petition and such evidence as the petitioners and any other properly interested person may wish to present, the court may enter a decree of adoption if it is satisfied (1) that the individual is adoptable under sections 578-1 and 578-2, (2) that the individual is physically, mentally, and otherwise suitable for adoption by the petitioners, (3) that the petitioners are fit and proper persons and financially able to give the individual a proper home and education, if the individual is a child, and (4) that the adoption will be for the best interests of the individual, which decree shall take effect upon such date as may be fixed therein by the court, such date to be not earlier than the date of the filing of the petition and not later than six months after the date of the entry of the decree.

Before entering the decree, the court shall notify the director of social services or the nearest county administrator of the department of social services and housing of the pendency of such petition for adoption and allow a reasonable time for the director or such county administrator to make such investigation as he may deem proper as to the fitness of the petitioners to adopt the individual, however, the physical disability of the petitioners shall not of itself be determinant of unfitness for purposes of this section, and as to whether the best interests of the individual will be subserved by the adoption; provided, that the court may, if it finds that the best interests of the individual to be adopted so require, by written order waive the requirement for notification and investigation above set forth, and enter its decree solely on the basis of the evidence adduced at the hearing. The director shall have the right to intervene in any adoption proceeding for the purpose of protecting the interests of the individual to be adopted or of any legal parent of the individual, and shall have the same rights of appeal as any party to the proceeding. The attorney general, upon the request of the

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

director, shall represent the director in any such proceeding. The director, when notified as above set forth, or when he has intervened without notification, shall make a report to the court within the time required, reporting the facts disclosed and his recommendation; provided, that the director, if he determines that the best interests of the individual to be adopted will be served thereby, may refer any such notification to a child placing organization approved by the department under section 346-17, and the report and recommendation of such organization, when forwarded by the director, shall be considered by the court in lieu of a report and recommendation by the director. If the court determines that any such report discloses facts adverse to the petitioners or indicates that the best interests of the individual to be adopted will not be subserved by the proposed adoption, it shall thereupon give notice of the determination to the petitioners and afford them a reasonable opportunity to rebut the report.”

SECTION 3. New statutory material is underscored.

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

(Approved May 16, 1979.)

**ACT 66**

S.B. NO. 1737

A Bill for an Act Relating to Workers' Compensation.

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

SECTION 1. Section 386-31, Hawaii Revised Statutes, is amended by amending subsection (b) to read:

“(b) Temporary total disability. Where a work injury causes total disability not determined to be permanent in character, the employer, for the duration of the disability but not including the first two days thereof shall pay the injured employee a weekly benefit at the rate of sixty-six and two-thirds per cent of his average weekly wages, subject to the limitations on weekly benefit rates prescribed in subsection (a), or if his average weekly wages are less than the minimum weekly benefit rate prescribed in subsection (a), at the rate of one hundred per cent of his average weekly wages. In case the total disability exceeds five days, the compensation shall be allowed from the date of disability.

The employer shall pay temporary total disability benefits promptly as they accrue to the person entitled thereto without waiting for a decision from the director, unless such right is controverted by the employer in his initial report of industrial injury. The first payment of benefits shall become due and shall be paid no later than on the tenth day after the employer has been notified of the occurrence of the total disability and thereafter the benefits due shall be paid weekly except as otherwise authorized pursuant to section 386-53.

The payment of such benefits shall only be terminated upon order of the director or if the employee is able to resume work or if the employee has filed a false claim. When the employer is of the opinion that temporary total disability benefits should be terminated because the injured employee is able to resume work or because he has filed a false claim, the employer shall notify the employee and the director in writing of an intent to terminate such benefits at least two weeks prior to the date when

the last payment is to be made. The notice shall give the reason for stopping payment and shall inform the employee that he may make a written request to the director for a hearing if he disagrees with the employer. Upon receipt of the request from the employee, the director shall conduct a hearing as expeditiously as possible and render a prompt decision.

An employer or insurance carrier who fails to comply with this section shall pay \$250 into the special compensation fund upon the order of the director, in addition to other penalties prescribed in section 386-92.”

SECTION 2. Section 386-52, Hawaii Revised Statutes, is amended by amending subsection (a) to read:

“(a) Any payments made by the employer to the injured employee during his disability or to his dependents which by the terms of this chapter were not payable when made shall be deducted from the amount payable as compensation subject to the approval of the director; provided that:

- (1) The employer notifies the injured employee and the director in writing of any such credit request stating the reasons for such credit and informing the injured employee that he has the right to file a written request for a hearing to submit any evidence to dispute such a credit;
- (2) The deduction shall be made by shortening the period during which the compensation must be paid, or by reducing the total amount for which the employer is liable and not the amount of weekly benefits;
- (3) If overpayment cannot be credited, the director shall order the claimant to reimburse the employer. Failure to reimburse the employer shall entitle the employer to file for enforcement of such a decision in accordance with section 386-91.”

SECTION 3. Section 386-91, Hawaii Revised Statutes, is amended to read:

“**Sec. 386-91 Enforcement of decisions awarding compensation; judgment rendered thereon.** (a) Any party in interest or the director may file in the circuit court in the jurisdiction of which the injury occurred, a certified copy of (1) a decision of the director of labor and industrial relations awarding compensation from which no appeal has been taken within the time allowed therefor; or (2) a decision of the director awarding compensation, from which decision an appeal has been taken but as to which decision no order has been made by the director or the appellate board or the court that the appeal therefrom shall operate as a supersedeas or stay; or (3) a decision of the appellate board awarding compensation, from which no appeal has been taken within the time allowed therefor; or (4) a decision of the appellate board awarding compensation, from which an appeal has been taken but as to which decision no order has been made by the appellate board or the court that the appeal therefrom shall operate as a supersedeas or stay. The court shall render a judgment in accordance with such decision and notify the parties thereof. The judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same, as though the judgment had been rendered in an action duly heard and determined by the court, except that there shall be no appeal therefrom.

(b) In all cases where an appeal from the decision concerned has been taken within the time provided therefor, but where no order has been made by the director or the appellate board or the court that the appeal shall operate as a supersedeas or stay,

the decree or judgment of the circuit court shall provide that the decree or judgment shall become void if the decision or award of the director or appellate board, as the case may be, is finally set aside.

(c) In addition to the enforcement remedies set forth in subsection (a) above, the director or employee as part of the proceedings set out therein may ask the court to fine the employer from one per cent to five per cent of the judgment, which fine shall be payable to the employee:

- (1) When the employer does not take an appeal from the decision of the director within the time allowed therefor and does not commence making payments within ten days after such appeal period has expired, or
- (2) When the employer does take an appeal from the decision of the director within the time allowed therefor and the employer does not request from the appellate board a supersedeas or stay of the decision and the employer does not commence making payments within ten days after such appeal period has expired, or
- (3) When the employer does take an appeal from the decision of the director within the time allowed therefor and the appellate board denies the employer's request for supersedeas or stay and the employer does not commence making payments within ten days after such a denial by the appellate board.

(d) In addition to the enforcement remedies set forth in subsection (a) above, the employer as part of the proceedings set out therein may ask the court to fine the employee from one per cent to five per cent of the judgment, which fine shall be payable to the employer:

- (1) When the employee does not take an appeal from the decision of the director within the time allowed therefor and does not commence making payments within thirty days after such appeal period has expired, or
- (2) When the employee does take an appeal from the decision of the director within the time allowed therefor and the employee does not request from the appellate board a supersedeas or stay of the decision and the employee does not commence making payments within thirty days after such appeal period has expired, or
- (3) When the employee does take an appeal from the decision of the director within the time allowed therefor and the appellate board denies the employee's request for supersedeas or stay and the employee does not commence making payments within thirty days after such a denial by the appellate board."

SECTION 4. Section 386-92, Hawaii Revised Statutes, is amended to read:

**"Sec. 386-92 Default in payments of compensation, penalty.** If any compensation payable under the terms of a 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 such employer or carrier within ten days, exclusive of Saturdays, Sundays, and holidays, after being notified of the disability, and where the right to such benefits are not controverted in the employer's initial report of industrial injury or where temporary total disability benefits are terminated in viola-

tion of section 386-31, 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 after a showing by the employer or insurance carrier that the payment of compensation could not be made on the date prescribed therefor owing to the conditions over which he had no control.”

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored. \*

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

(Approved May 16, 1979.)

## ACT 67

H.B. NO. 498

A Bill for an Act Relating to the Powers of Boards of Directors.

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

SECTION 1. Chapter 416, Hawaii Revised Statutes, is amended by adding a new section, to be appropriately designated and to read as follows:

“**Sec. 416- Powers of the board of directors.** (a) All corporate powers shall be exercised by or under the authority of, and the business and affairs of a corporation shall be managed under, the direction of the board of directors, except as may be otherwise provided in the articles of incorporation or charter. If any such provision is made in the articles of incorporation or charter, the powers and duties conferred or imposed upon a board of directors by this section shall be exercised or performed to such extent and by such person or persons as shall be provided in the articles of incorporation or charter.

“(b) The board of directors shall have authority to fix the compensation of directors unless otherwise provided in the articles of incorporation, charter or by-laws.

“(c) A director shall perform his duties as a director, including his duties as a member of any committee of the board of directors upon which he may serve, in good faith and in a manner he reasonably believes to be in the best interests of the corporation, and with such care as an ordinarily prudent person in a like position would use in similar circumstances.

“(d) In performing his duties, a director shall be entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by:

- (1) One or more officers or employees of the corporation whom the director reasonably believes to be reliable and competent in the matters presented,
- (2) Counsel, public accountants, appraisers or other persons as to matters which the director reasonably believes to be within such person’s professional or expert competence, or

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.



**ACT 68**

(3) A committee of the board upon which he does not serve, duly designated in accordance with a provision of the articles of incorporation, charter or the bylaws, as to matters within its designated authority, which committee the director reasonably believes to merit confidence.

“(e) A director shall not be considered to be acting in good faith if he has or should have knowledge concerning the matter in question that would cause such reliance described in subsection (c) to be unwarranted.

“(f) A person who performs his duties in compliance with this section shall have no liability by reason of being or having been a director of the corporation or a member of any committee of the board of directors of the corporation.”

SECTION 2. New statutory material is underscored.\*

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

(Approved May 16, 1979.)

**ACT 68**

H.B. NO. 936

A Bill for an Act Relating to No-Fault Insurance.

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

SECTION 1. Section 294-2(13), Hawaii Revised Statutes, be amended, as follows:

“(13) “Owner” means a person who holds the legal title to a motor vehicle except that in the case of a motor vehicle which is the subject of a security agreement or lease with a term of not less than one year with the debtor or lessee having the right to possession, such term means the debtor or lessee. Whenever transfer of title to a motor vehicle occurs, the seller shall be considered the owner until delivery of the executed title to the buyer, from which time the buyer holding the equitable title shall be considered the owner.”

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 16, 1979.)

**ACT 69**

H.B. NO. 982

A Bill for an Act Relating to the Budget.

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

SECTION 1. Section 37-75, Hawaii Revised Statutes, is amended to read as follows:

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

**“Sec. 37-75 Variance report.** Not less than twenty days prior to the convening of each regular session of the legislature[,] the governor shall submit to the legislature and to each member thereof[,] a report on program performance for the last completed fiscal year and the fiscal year in progress. In format, the report shall generally follow the fiscal requirements portion of the executive budget or budgets. The report shall include:

- (1) At the lowest level of the program structure, for each program contained in the budget finally approved by the legislature for the last completed fiscal year and the fiscal year in progress:
  - [(a)] (A) A comparison, by the operating and research and development cost categories, of the budgeted expenditures and the actual expenditures for the last completed fiscal year and the budgeted expenditures and the estimated expenditures for the fiscal year in progress.
  - [(b)] (B) A comparison, for the operating and research and development cost categories, of the budgeted expenditures and positions authorized and the actual expenditures and positions filled in the last completed fiscal year and a comparison of the budgeted expenditures and the number of positions authorized for the fiscal year in progress and the actual expenditures and number of positions filled in the first three months of the fiscal year in progress and the estimated expenditures and number of positions expected to be filled in the remaining months of the fiscal year in progress.
  - [(c)] (C) The program size indicators, and a comparison of the program size anticipated and the size actually realized in the last completed fiscal year and the program size anticipated and the size estimated for the fiscal year in progress.
  - [(d)] (D) The effectiveness measures, and a comparison of the level of effectiveness anticipated and the level actually attained in the last completed fiscal year and the level of effectiveness anticipated and the level estimated for the fiscal year in progress.
  - [(e)] (E) A narrative explanation of the [major] significant differences for the last completed fiscal year in each of the comparisons made in [(a), (b), (c),] (A), (B), (C), and [(d),] (D), including an explanation of the basis upon which the original estimates were made and the reasons why such estimates proved accurate or inaccurate, and a statement of what the actual experience portends for the future of the program in terms of costs, size, and effectiveness.

Expenditure amounts in the comparisons shall be shown to the nearest thousand dollars.
- (2) Appropriate summaries at each level of the state program structure for each major grouping of programs encompassed therein, showing:
  - [(a)] (A) A comparison of the total budgeted expenditure and the total actual expenditure for the last completed fiscal year and the total budgeted expenditure and the total estimated expenditure for the fiscal year in progress. The expenditure amounts shall be shown to the nearest thousand dollars.

- [(b)] (B) The effectiveness measures, and a comparison of the level of effectiveness anticipated and the level actually attained in the last completed fiscal year and the level of effectiveness anticipated and the level estimated for the fiscal year in progress.
- [(c)] (C) A narrative explanation summarizing the major reasons for the differences in the comparisons made for the last completed fiscal year in [(a)] (A) and [(b).] (B).
- (3) Significant variations in capital improvement costs will be explained in the narrative. Capital improvement project variances will be referenced to the six-year program and financial plan, which will contain the information specified in section 37-69(d)(1)(K).''

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 16, 1979.)

ACT 70

H.B. NO. 1526

A Bill for an Act Relating to Beverage Container Requirements.

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

SECTION 1. Section 339-7, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 339-7 Beverage container requirements.** (a) No person in this State shall manufacture or import for sale in this State or offer for sale at wholesale in this State after July 1, 1979, or sell for retail in this State after October 1, 1979, any beverage in metal containers so designed and constructed that a part of the container is permanently detached in opening the container. However, nothing in this subsection shall prohibit the sale or offer for sale of a container the only detachable part of which is a piece of pressure sensitive tape.

(b) No person shall sell or offer for sale in this State any beverage in a plastic container.

(c) Failure to comply with the provision of this section shall constitute a violation and shall carry a fine of \$250. Each day of such failure shall constitute a separate violation.

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 16, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

A Bill for an Act Relating to Specific Powers of Industrial Loan Companies.

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

SECTION 1. The purpose of this bill is to conform section 408-14 to existing law in chapter 408A, the industrial loan company guaranty act, which accords with the existing use of thrift accounts by industrial loan companies.

SECTION 2. Section 408-14, Hawaii Revised Statutes, is amended to read as follows:

**“Sec.408-14 Specific powers.** Every industrial loan company, in addition to the powers exercisable by or conferred upon it under or by the general corporation law of the State, or by any other provision of this chapter, shall possess and may exercise the following powers:

- (1) To borrow money upon its own secured or unsecured notes;
- (2) To lend money upon individual credit or upon the security of comakers, personal endorsement, or the pledge or mortgage of real or personal property or choses in action, or upon any combination of such credit and security, and to contract for such interest, discount, or other consideration as is permitted by this chapter, and to sell or broker, loans or contracts, in whole or in part, to other lenders, and charge or retain a fee for the originating, selling, brokering or servicing of such loans or contracts;
- (3) To discount, purchase, or otherwise acquire notes, installment contracts, warehouse receipts, or other choses in action, notwithstanding section 416-31 to the contrary;
- (4) To establish branches within the State with the prior written approval of the bank examiner;
- (5) To finance purchases for others by taking title to merchandise temporarily and only for the purpose of securing loans entered into for the purchases; and
- (6) To issue and sell certificates for the payment of money at any time, either fixed or uncertain, including without limitation evidences of thrift accounts as defined in chapter 408A, and to receive [payments therefor] amounts invested therein in installments or otherwise, with or without allowance of interest on [the installments; provided that nothing] such investments. A company may, but need not, require an investor to subscribe to a certain amount of investment in such certificates, subject to minimum or maximum investments required by law or regulation. Nothing herein shall be construed to authorize any industrial loan company to receive deposits or to create any liability due on demand.

The certificates, including the evidence of such thrift accounts, shall not be issued by any such company without receiving the prior written approval of the bank examiner, and shall bear upon the face of the instrument the words, “THIS IS NOT A CERTIFICATE OF DEPOSIT.”

No industrial loan company shall have outstanding at any time its certificates and/or its debentures registered under chapter 485 in an aggregate sum in excess of ten

times the aggregate amount of its paid-up capital and surplus; provided, that the bank examiner shall have the authority to limit the ratio of certificates and/or debentures to capital and surplus which may be issued by any industrial loan company if he determines that such lower ratio is necessary in the public interest. In determining the ratio to be permitted, the bank examiner shall consider all relevant circumstances, including, without limitation, the following factors:

- (1) The length of time the company has been in operation.
- (2) Ratio of losses to volume of loans made and contracts purchased.
- (3) The creation and maintenance of adequate reserve for losses.
- (4) Charge-off of uncollectable accounts.
- (5) The amount or growth of undivided profits and/or earned surplus.
- (6) Diversification of character and source of loans made and contracts purchased.
- (7) Creation and maintenance of adequate internal controls.
- (8) Sound and efficient management.

Every industrial loan company shall, as of January 1, 1977, maintain and have on hand at all times a reserve composed of cash and other securities in an amount equal to the sum of five per cent of its liabilities on outstanding certificates and debentures with an original term not exceeding one year and five per cent of its liabilities on outstanding certificates and debentures with an original term of one year or more, and after January 1, 1978, maintain and have on hand at all times the above-mentioned reserve in an amount equal to the sum of seven per cent of its liabilities on outstanding certificates and debentures with an original term not exceeding one year and five per cent of its liabilities on outstanding certificates and debentures with an original term of one year or more. Said reserve shall not be pledged.

This reserve shall be determined as of a particular date and shall be based upon the daily average of all outstanding certificates and debentures of the immediate preceding seven calendar days. During a succeeding seven calendar day period, the average daily balance of said reserve shall equal or exceed such reserve amount. At the end of the seven calendar day period, a new reserve amount shall be determined based upon the daily average of the immediate preceding seven calendar days and for the next succeeding seven calendar day period, the average daily balance of said reserve shall equal or exceed such new amount. Determination of reserve requirements shall be made on form approved by the bank examiner and shall be computed within two working days after date of determination. Upon any failure to maintain the reserve requirement for the required seven calendar day period, the industrial loan company shall promptly take action to correct the reserve deficiencies, shall cease making any loans or other advances or extensions or† credit until the reserve deficiency is corrected, and shall notify the bank examiner within two working days after the close of the period. The bank examiner may in writing direct specific directors and officers of any industrial loan company in violation of this section to take actions reasonably necessary to increase its reserve so as to comply with this section.

Cash reserves shall be limited to cash in banks and on hand, bank or savings and loan certificates of deposit, direct United States, state or county government securi-

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†So in original. Probably should read "of".

ties, and passbook deposits in banks or savings and loans; and such cash reserve shall at all times equal no less than fifty per cent of the aforementioned reserve that is required by this section.

Other securities shall be limited to direct obligations of the United States government, state, or county, bankers acceptances approved by the bank examiner, irrevocable lines of credit in a form acceptable to the bank examiner, and securities listed on the New York stock exchange or the American stock exchange and no more than twenty-five per cent of the total reserve of cash and other security shall be held in securities listed on the New York stock exchange or the American stock exchange."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 16, 1979.)

## ACT 72

H.B. NO. 1659

A Bill for an Act Relating to Wastewater Treatment Personnel.

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

SECTION 1. Section 340B-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read:

"(b) The director shall issue a certificate to each applicant who, on June 2, 1978, holds a valid certificate issued to him pursuant to the voluntary program, conducted by the Hawaii water pollution control association for certification of operators of wastewater treatment plants in this State; provided that such applicant files an application with the director."

SECTION 2. Statutory material to be repealed is bracketed.\*

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

(Approved May 16, 1979.)

## ACT 73

H.B. NO. 1687

A Bill for an Act Relating to Conveyance Tax.

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

SECTION 1. Section 247-2, Hawaii Revised Statutes, is amended to read as follows:

"**Sec. 247-2 Basis and rate of tax.** The tax herein shall be based on the actual and full consideration paid or to be paid, which shall include any liens or encumbrances thereon at the time of sale, lease, sublease, assignment, transfer, or convey-

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

ance, and shall be at the rate of five cents per one hundred dollars of such actual and full consideration; provided that in the case of a lease or sublease, the provisions of this chapter shall apply only to a lease or sublease whose full unexpired term is for a period of five years or more, and in those cases, including (where appropriate) those cases where the lease has been extended or amended, the tax herein shall be based on the cash value of the lease rentals discounted to present day value and capitalized at the rate of six per cent, plus the actual and full consideration paid or to be paid for any and all improvements, if any, which shall include on site as well as off site improvements, applicable to the leased premises, and provided further that the tax imposed for each transaction shall be not less than \$1."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 3. This Act shall take effect on July 1, in the year of its approval.

(Approved May 16, 1979.)

ACT 74

H.B. NO. 1200

A Bill for an Act Relating to Taxation.

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

SECTION 1. Section 237-24, Hawaii Revised Statutes, is amended to read:

**"Sec. [237-24]† Amounts not taxable.** This chapter shall not apply to the following amounts:

- (1) Amounts received under life insurance policies and contracts paid by reason of the death of the insured;
- (2) Amounts received (other than amounts paid by reason of death of the insured) under life insurance, endowment, or annuity contracts, either during the term or at maturity or upon surrender of the contract;
- (3) Amounts received under any accident insurance or health insurance policy or contract or under workers' compensation acts or employers' liability acts, as compensation for personal injuries, death, or sickness, including also the amount of any damages or other compensation received, whether as a result of action or by private agreement between the parties on account of the personal injuries, death, or sickness;
- (4) The value of all property of every kind and sort acquired by gift, bequest, or devise, and the value of all property acquired by descent or inheritance;
- (5) Amounts received by any person as compensatory damages for any tort injury to him, or to his character reputation, or received as compensatory damages for any tort injury to or destruction of property, whether as the result of action or by private agreement between the parties (provided that amounts received as punitive damages for tort injury or breach of contract injury shall be included in gross income);

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

†"237-24" substituted for "237-4" to correct obvious clerical error.

- (6) Amounts received as salaries or wages for services rendered by an employee to an employer;
- (7) Amounts received as alimony and other similar payments and settlements;
- (8) Amounts collected by distributors as fuel taxes on "liquid fuel" imposed by chapter 243, and the amounts collected by such distributors as a fuel tax imposed by any act of the Congress of the United States;
- (9) Taxes on liquor imposed by chapter 244 on dealers holding permits under that chapter;
- (10) The amounts of taxes on tobacco products imposed by chapter 245 on wholesalers or dealers holding licenses under that chapter and selling the products at wholesale, and the amounts of taxes on tobacco products collected from a wholesaler by another where the wholesaler makes separate charges for the amounts so collected from him and collects the same from those purchasing from him as provided by chapter 245;
- (11) Federal excise taxes imposed on articles sold at retail and collected from the purchasers thereof and paid to the federal government by the retailer;
- (12) The amounts of federal taxes under chapter 37 of the Internal Revenue Code, or similar federal taxes, imposed on sugar manufactured in the State, paid by the manufacturer to the federal government;
- (13) An amount up to, but not in excess of, \$2,000 a year of gross income received by any blind, deaf, or totally disabled person engaging, or continuing, in any business, trade, activity, occupation, or calling within the State;
- (14) Amounts received by an organization enumerated under section 237-23(a)(5) to (8) from the sale of brooms which are manufactured by blind persons working at the adult blind broom shop;
- (15) Amounts received by a producer of sugarcane from the manufacturer to whom he sells the sugarcane, where (A) the producer is an independent cane farmer, so classed by the secretary of agriculture under the Sugar Act of 1948 (61 Stat. 922, Chapter 519) as the Act may be amended or supplemented, and (B) the value of the sugar, and other products manufactured from the sugarcane, is included in the measure of the tax levied on the manufacturer under section 237-13(1), and (C) the producer's gross proceeds of sales are dependent upon the actual value of the products manufactured therefrom or the average value of all similar products manufactured by the manufacturer, and (D) the producer's gross proceeds of sales are reduced by reason of the tax on the value of the manufactured products;
- (16) Money paid by the State or eleemosynary child-placing organizations to foster parents for their care of children in foster homes;
- (17) Amounts received by a cooperative housing corporation from its shareholders in reimbursement of funds paid by such corporation for lease rental, real property taxes, and other expenses of operating and maintaining the cooperative land and improvements, provided that such a cooperative corporation is a corporation:
  - (A) Having one and only one class of stock outstanding;
  - (B) Each of the stockholders of which is entitled solely by reason of his ownership of stock in the corporation, to occupy for dwelling purposes



- a house, or an apartment in a building owned or leased by the corporation;
- (C) No stockholder of which is entitled (either conditionally or unconditionally) to receive any distribution not out of earnings and profits of the corporation except in a complete or partial liquidation of the corporation;
  - (18) Amounts received from the loading, transportation, and unloading of agricultural commodities shipped for a producer or produce dealer on one island of this State to a person, firm, or organization on another island of the State. The terms "agricultural commodity", "producer", and "produce dealer" shall be defined in the same manner as they are defined in section 147-1;
  - (19) Amounts received from sales of (A) intoxicating liquor as defined in chapter 244, (B) tobacco products as defined in chapter 245, and (C) agricultural, meat, or fish products grown, raised, or caught in Hawaii, when such sales are made to any person or common carrier in interstate or foreign commerce, or both, whether ocean-going or air, for consumption out-of-state by such person, crew, or passengers on such shipper's vessels or airplanes;
  - (20) Amounts received by the manager or board of directors of an association of apartment owners of a horizontal property regime established in accordance with chapter 514A in reimbursement of sums paid for common expenses;
  - (21) Any provision of law to the contrary notwithstanding, exemptions or exclusions from tax under this chapter allowed on or before April 1, 1978 for amounts received by any person or common carrier engaged in interstate or foreign commerce, or both, whether ocean-going or air, shall continue undiminished and be available thereafter to the extent and under the conditions such exemptions or exclusions have theretofore been previously allowed in the State under the provisions of the Constitution of the United States or an act of the Congress of the United States."

SECTION 2. Section 238-3, Hawaii Revised Statutes, is amended to read:

**"Sec. 238-3 Application of tax, etc.** (a) The tax imposed by this chapter shall not apply to any property, or to any use of the property, which cannot legally be so taxed under the Constitution or laws of the United States, but only so long as, and only to the extent to which, the State is without power to impose the tax.

Any provision of law to the contrary notwithstanding, exemptions or exclusions from tax under this chapter allowed on or before April 1, 1978 under the provisions of the Constitution of the United States or an act of the Congress of the United States to persons or common carriers engaged in interstate or foreign commerce, or both, whether ocean-going or air, shall continue undiminished and be available thereafter.

(b) The tax imposed by this chapter shall not apply to any use of property the transfer of which property to, or the acquisition of which by, the person so using the same, has actually been or actually is taxed under chapter 237.

(c) The tax imposed by this chapter shall be paid only once upon or in respect of

the same property; provided that nothing in this chapter contained shall be construed to exempt any property or the use thereof from taxation under any other law of the State.

(d) The tax imposed by this chapter shall be in addition to any other taxes imposed by any other laws of the State, except as otherwise specifically provided herein; provided that if it be finally held by any court of competent jurisdiction, that the tax imposed by this chapter may not legally be imposed in addition to any other tax or taxes imposed by any other law or laws with respect to the same property or the use thereof, then this chapter shall be deemed not to apply to the property and the use thereof under such specific circumstances, but such other laws shall be given full effect with respect to the property and use.

(e) The tax imposed by this chapter shall not apply to any use of property exempted by section 238-4.

(f) The tax imposed by this chapter shall not apply to any use or consumption of aircraft and vessels, the transfer of which aircraft or vessel to, or the acquisition of which by, the person so using or consuming the same, or the rental for the use of the aircraft or vessel, has actually been or actually is taxed under chapter 237.

(g) The tax imposed by this chapter shall not apply to any intoxicating liquor as defined in chapter 244 and tobacco products as defined in chapter 245, imported into the State and sold to any person or common carrier in interstate commerce, whether ocean-going or air, for consumption out-of-state by such person, crew, or passengers on the shipper's vessels or airplanes.

(h) The tax imposed by this chapter shall not apply to any use of vessels constructed under section 189-25, prior to July 1, 1969.

(i) Each taxpayer liable for the tax imposed by this chapter on tangible personal property shall be entitled to full credit for the combined amount or amounts of legally imposed sales or use taxes paid by him with respect to the same transaction and property to another state and any subdivision thereof, but such credit shall not exceed the amount of the use tax imposed under this chapter on account of the transaction and property. The director of taxation may require the taxpayer to produce the necessary receipts or vouchers indicating the payment of the sales or use tax to another state or subdivision as a condition for the allowance of the credit.

(j) The tax imposed by this chapter shall not apply to any use of property exempted by section 237-26.

(k) The tax imposed by this chapter shall not apply to any use of air pollution control facility exempted by section 237-27.5.''

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 17, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

A Bill for an Act Relating to the Board of Massage.

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

SECTION 1. Section 26H-4, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 26H-4 Repeal dates.** [(a) The following chapters are hereby repealed effective December 31, 1978:

- (1) Chapter 448A (Escort Agencies)
- (2) Chapter 462 (Board of Photography)]

[(b)](a) The following chapters are hereby repealed effective December 31, 1979:

- (1) Chapter 437 (Motor Vehicle Industry Licensing Board)
- (2) Chapter 440 (Boxing Commission)
- (3) Chapter 443 (Collection Agencies Board)
- (4) Chapter 446D (Degree Granting Institutions)
- (5) Chapter 448H (Elevator Mechanics Licensing Board)
- (6) Chapter 467A (Rental Agencies)

[(7) Chapter 452 (Board of Massage)]

[(c)](b) The following chapters are hereby repealed effective December 31, 1980:

- (1) Chapter 436 (Board of Examiners for Abstract Makers)
- (2) Chapter 439 (Board of Cosmetology)
- (3) Chapter 447 (Dental Hygienists)
- (4) Chapter 463 (Board of Private Detectives and Guards)
- (5) Chapter 468J (Travel Agencies)
- (6) Chapter 471 (Board of Veterinary Examiners)
- (7) Chapter 438 (Board of Barbers)

[(d)](c) The following chapters are hereby repealed effective December 31, 1981:

- (1) Chapter 441 (Cemetery Board)
- (2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
- (3) Chapter 457B (Board of Examiners of Nursing Home Administrators)
- (4) Chapter 458 (Board of Dispensing Opticians)
- (5) Chapter 459 (Board of Examiners in Optometry)
- (6) Chapter 465 (Board of Certification for Practicing Psychologists)
- (7) Chapter 468E (Board of Speech Pathology and Audiology)
- (8) Chapter 452 (Board of Massage)

[(e)](d) The following chapters are hereby repealed effective December 31, 1982:

- (1) Chapter 436D (Board of Acupuncture)
- (2) Chapter 437B (Motor Vehicle Repair Industry Board)
- (3) Chapter 442 (Board of Chiropractic Examiners)
- (4) Chapter 448E (Board of Electricians and Plumbers)
- (5) Chapter 464 (Board of Registration of Professional Engineers, Architects, Surveyors and Landscape Architects)

(6) Chapter 466 (Board of Public Accountancy)

(7) Chapter 467 (Real Estate Commission)

1983: [(f)](e) The following chapters are hereby repealed effective December 31,

(1) Chapter 444 (Contractors License Board)

(2) Chapter 448 (Board of Dental Examiners)

(3) Chapter 453 (Board of Medical Examiners)

(4) Chapter 457 (Board of Nursing)

(5) Chapter 460 (Board of Osteopathic Examiners)

(6) Chapter 461 (Board of Pharmacy)

1984: [(g)](f) The following chapters are hereby repealed effective December 31,

(1) Chapter 455[, Hawaii Revised Statutes] (Board of Examiners in Naturopathy)

(2) Chapter 463E[, Hawaii Revised Statutes] (Podiatry).

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 18, 1979.)

## ACT 76

S.B. NO. 694

A Bill for an Act Relating to the Collection Agency Board.

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

SECTION 1. Section [26H-4]††, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 26H-4 Repeal dates.** [(a) The following chapters are hereby repealed effective December 31, 1978:

(1) Chapter 448A (Escort Agencies)

(2) Chapter 462 (Board of Photography)

1979: (b) (a) The following chapters are hereby repealed effective December 31,

(1) Chapter 437 (Motor Vehicle Industry Licensing Board)

(2) Chapter 440 (Boxing Commission)

[(3) Chapter 443 (Collection Agencies Board)]

[(4)] (3) Chapter 446D (Degree Granting Institutions)

[(5)] (4) Chapter 448H (Elevator Mechanics Licensing Board)

[(6)] (5) Chapter 467A (Rental Agencies)

[(7)] (6) Chapter 452 (Board of Massage)

1980: [(c)] (b) The following chapters are hereby repealed effective December 31,

(1) Chapter 436 (Board of Examiners for Abstract Makers)

†So in original. There is no section 3.

††“26H-4” substituted for “6H-4” to correct obvious clerical error.

- (2) Chapter 439 (Board of Cosmetology)
- (3) Chapter 447 (Dental Hygienists)
- (4) Chapter 463 (Board of Private Detectives and Guards)
- (5) Chapter 468J (Travel Agencies)
- (6) Chapter 471 (Board of Veterinary Examiners)
- (7) Chapter 438 (Board of Barbers)
- (8) Chapter 443 (Collection Agencies Board)

1981: [(d)] (c) The following chapters are hereby repealed effective December 31,

- (1) Chapter 441 (Cemetery Board)
- (2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
- (3) Chapter 457B (Board of Examiners of Nursing Home Administrators)
- (4) Chapter 458 (Board of Dispensing Opticians)
- (5) Chapter 459 (Board of Examiners in Optometry)
- (6) Chapter 465 (Board of Certification for Practicing Psychologists)
- (7) Chapter 468E (Board of Speech Pathology and Audiology)

1982: [(e)] (d) The following chapters are hereby repealed effective December 31,

- (1) Chapter 436D (Board of Acupuncture)
- (2) Chapter 437B (Motor Vehicle Repair Industry Board)
- (3) Chapter 442 (Board of Chiropractic Examiners)
- (4) Chapter 448E (Board of Electricians and Plumbers)
- (5) Chapter 464 (Board of Registration of Professional Engineers, Architects, Surveyors and Landscape Architects)
- (6) Chapter 466 (Board of Public Accountancy)
- (7) Chapter 467 (Real Estate Commission)

1983: [(f)] (e) The following chapters are hereby repealed effective December 31,

- (1) Chapter 444 (Contractors License Board)
- (2) Chapter 448 (Board of Dental Examiners)
- (3) Chapter 453 (Board of Medical Examiners)
- (4) Chapter 457 (Board of Nursing)
- (5) Chapter 460 (Board of Osteopathic Examiners)
- (6) Chapter 461 (Board of Pharmacy)

1984: [(g)] (f) The following chapters are hereby repealed effective December 31,

- (1) Chapter 455[, Hawaii Revised Statutes] (Board of Examiners in Naturopathy)
- (2) Chapter 463E[, Hawaii Revised Statutes] (Podiatry).

SECTION 2. The Hawaii Revised Statutes are amended by adding a new chapter to be appropriately designated and to read as follows:

## “CHAPTER COLLECTION AGENCIES

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

- (1) “Person” includes an individual, partnership, joint venture, corporation,

association, business, trust, or any organized group of persons, or any combination thereof.

- (2) "Collection agency" means any person who by himself or through others offers to undertake or holds himself out as being able to undertake or does undertake to collect for another person, claims or money due on accounts or other forms of indebtedness for a commission or a portion of the sums so collected.
- (3) "Collection agency" includes:
  - (A) Any person using any name other than his own in collecting his own claims with the intention of conveying, or which tends to convey the impression that a third party has been employed.
  - (B) Any person who, in the conduct of his business for a fee, regularly repossesses any merchandise or chattels for another.
  - (C) Any person who regularly accepts the assignment of claims or money due on accounts or other forms of indebtedness and brings suits upon such assigned claims or money due on accounts or other forms of indebtedness in his own name, provided, that any such suits shall be initiated and prosecuted by an attorney who shall have been appointed by the assignor.
- (4) "Collection agency" does not include attorneys at law or district court practitioners acting within the scope of their profession, licensed real estate brokers and salesmen residing in this State when engaged in the regular practice of their respective profession, nor banks, trust companies, building and loan associations, companies doing an escrow business, individuals regularly employed on a regular wage or salary in the capacity of credit men or in other similar capacity for a single employer who is not a collection agency, for any person doing business subject to public supervision and regulation, and any public officer or any person acting under an order of court.
- (5) "Principal collector" means a person who has been determined by the board to be qualified to assume responsibility for the operations and activities of a collection agency.

**Sec. -2 Bond required.** (a) No person within the purview of this chapter shall act, or assume to act, or advertise, as a collection agency, without a bond in effect previously obtained under and in compliance with this chapter. A copy of such bond shall be filed with the director of regulatory agencies.

(b) No person shall act or assume to act or advertise as a collection agency unless the business thereof is under the direct management and control of a principal collector.

**Sec. -3 Bond.** (a) A bond shall be executed by the principal collector of the collection agency and by a surety insurer authorized by the state insurance commissioner to transact the business of surety insurance, running to the State and conditioned that the collection agency shall faithfully, promptly, and truly account and pay within thirty days after the calendar month, to its clients the net proceeds due on all collections made during the calendar month. The bond shall be further conditioned that the collection agency will comply with all requirements of this or any other

statute now in force or hereafter enacted with respect to the duties, conduct, obligations, and liabilities of collection agencies. In addition to any other remedy, every person sustaining any damage resulting from a breach of the conditions of the bond may sue the surety for the recovery of any damages sustained by such person. The bond shall be continuous in form and remain in full force and effect unless terminated or cancelled by the surety. Termination or cancellation shall not be effective, unless written notice thereof is delivered by the surety to the collection agency at least thirty days prior to the date of termination or cancellation.

(b) The bond of each collection agency shall be for \$25,000. However, when a person intends to operate more than one office, under one ownership, one bond shall be equal to the sum of \$25,000 for the first office and \$15,000 for each additional office.

**Sec. -4 Place of business and posting licenses.** A collection agency shall have and maintain a definite place of business in the State.

**Sec. -5 Manner in which records and funds are to be kept by collection agencies.** (a) Every collection agency shall keep a permanent record of all sums collected by him, and of all disbursements, and shall maintain and keep such records and all customers' funds within the State. No person shall wilfully make any false entry in any collection agency record, or intentionally mutilate, destroy, conceal, or in any way dispose of any such record.

(b) A collection agency shall not commingle the money of its clients with its own, but shall maintain a separate trust account for clients' funds.

**Sec. -6 Fees.** A collection agency shall not collect, or attempt to collect, any collection fee or attorney's fee or commission from any debtor; provided however, attorney's fee or commission may be collected after filing of a suit against any debtor and such fee or commission shall not be in excess of twenty-five per cent of the unpaid principal balance. All attorney's fees or commissions collected by a collection agency shall be remitted to the attorney and no portion of said collection shall be retained by the collection agency.

**Sec. -7 Reports and payments by agency.** Every collection agency shall, within thirty days after the close of each calendar month, report and pay to his clients the net amount due to each client out of all collections made during the preceding calendar month.

**Sec. -8 Action on collection agency bond.** If a collection agency has failed to account for and pay over the proceeds of any collection made, the client shall have, in addition to all other legal remedies, a right of action in his own name on the bond given pursuant to this chapter and the total of all recoveries from the sureties shall not exceed the face of the bond. Upon entering judgment for plaintiff in any action on the bond required by this chapter, for more than any sum which may have been tendered in court by the defendant, the court shall include in the judgment reasonable compensation for the services of plaintiff's attorney in the action.

**Sec. -9 Remedies not exclusive.** The remedies provided for in this chapter are in addition to and not exclusive of any other remedies provided by law.

**Sec. -10 Jurisdiction of courts.** The various district courts of the State shall

have concurrent jurisdiction with the circuit courts in all criminal prosecutions for violations of this chapter.

**Sec. -11 Penalties.** (a) Violation of this chapter by an individual is punishable by a fine of not more than \$500.

(b) Violation of this chapter by persons other than an individual is punishable by a fine of not more than \$1,000. Any officer or agent of a corporation or association who personally participates in any violation of this chapter by such corporation is subject to penalties prescribed in subsection (a) of this section.

### PROHIBITED ACTS AND PRACTICES

**Sec. -12 Threats or coercion.** No collection agency shall collect or attempt to collect any money alleged to be due and owing by means of any threat, coercion, or attempt to coerce, including any conduct which is described as follows:

- (1) The use, or express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person;
- (2) The accusation or threat to falsely accuse any person of fraud or any crime or any conduct which, if true, would tend to disgrace such other person or in any way subject him to ridicule or any conduct which, if true, would tend to disgrace such other person or in any way subject him to the ridicule or contempt of society;
- (3) False accusations made to another person, including any credit reporting agency that a debtor or an alleged debtor has not paid a just debt, or threat to so make such false accusations;
- (4) The threat to sell or assign to another the obligation of a debtor or an alleged debtor with an attending representation or implication that the result of such sale or assignment would be that the debtor or alleged debtor would lose any defense to the claim or would be subjected to harsh, vindictive, or abusive collection attempt; and
- (5) The threat that nonpayment of an alleged claim will result in the arrest of any person.

**Sec. -13 Harassment and abuse.** No collection agency shall oppress, harass, or abuse any person in connection with the collection of or attempt to collect any claim alleged to be due and owing by that person or another in any of the following ways:

- (1) The use of profane or obscene language that is intended to abuse the hearer or reader;
- (2) The placement of telephone calls without disclosure of the caller's identity or with the intent to harass, or threaten any person at the called number; and
- (3) Causing expense to any person in the form of long distance telephone tolls, telegram fees, or other charge incurred by a medium of communication, by concealment of the true purpose of the notice, letter, message, or communication.

**Sec. -14 Unreasonable publication.** No collection agency shall unreasonably publicize information relating to any alleged indebtedness or debtor, in any of the following ways:



- (1) The disclosure, publication or communication of any false information relating to the indebtedness of a debtor or alleged debtor to any employer or his agent.
- (2) The disclosure publication or communication of false information relating to the indebtedness of a debtor or alleged debtor to any relative or family member of the debtor or alleged debtor.
- (3) The disclosure, publication, or communication of any information relating to the indebtedness of a debtor or alleged debtor by publishing or posting any list of debtors, except for the publication of "stop lists" to point-of-sale locations where credit is extended, or by advertising for sale any claim to enforce payment thereof or in any other manner other than through proper legal action, process, or proceeding; and
- (4) The use of any form of communication to the debtor or alleged debtor, which ordinarily may be seen by any other person, that displays or conveys any information about the alleged claim other than the name, address and phone number of the collection agency.

**Sec. -15 Fraudulent, deceptive, or misleading representations.** No collection agency shall use any fraudulent, deceptive, or misleading representation or means to collect, or attempt to collect, claims or to obtain information concerning a debtor or alleged debtor, including any conduct which is described as follows:

- (1) The use of any company name while engaged in the collection of claims other than the true name of the collection agency;
- (2) The failure to clearly disclose in all written communication made to collect, or attempt to collect, a claim or to obtain, or attempt to obtain, information about a debtor or alleged debtor that the collection agency is attempting to collect a claim and that any information obtained will be used for that purpose;
- (3) Any false representation that the collection agency has in his possession information or something of value for the debtor or alleged debtor that is made to solicit or discover information about the debtor or alleged debtor;
- (4) The failure to clearly disclose the name and full business address of the person to whom the claim has been assigned for collection or to whom the claim is owed at the time of making any demand for money;
- (5) Any false representation or implication of the character, extent, or amount of a claim against a debtor or alleged debtor, or of its status in any legal proceeding;
- (6) Any false representation or false impression that any collection agency is vouched for, bonded by, affiliated with, or an instrumentality, agent, or official of, this State or any agency of federal, state or local government;
- (7) The use or distribution or sale of any written communication which simulates or is falsely represented to be a document authorized, issued, or approved by a court, an official, or any other legally constituted or authorized authority, or which creates a false impression about its source, authorization, or approval;
- (8) Any representation that an existing obligation of the debtor or alleged debtor may be increased by the addition of attorney's fees, investigation fees, service fees, and any other fees or charges when in fact such fees or

charges may not legally be added to the existing obligations; or

- (9) Any false representation or false impression about the status or true nature of, or the services rendered by, the collection agency or its business.

**Sec. -16 Unfair or unconscionable means.** No collection agency shall use unfair or unconscionable means to collect or attempt to collect any claim in any of the following ways:

- (1) The seeking or obtaining of any written statement or acknowledgment in any form that a debtor or alleged debtor's obligation is one incurred for necessities of life where the original obligation was not in fact incurred for such necessities;
- (2) The seeking or obtaining of any written statement or acknowledgment in any form containing an affirmation of any obligation by a debtor or alleged debtor who has been declared bankrupt, without clearly disclosing the nature and consequences of the affirmation and the fact that the debtor or alleged debtor is not legally obligated to make the affirmation;
- (3) The collection of or the attempt to collect from a debtor or alleged debtor all or any part of the collection agency's fees or charge for services rendered;
- (4) The collection of or the attempt to collect any interest or other charge, fee, or expense incidental to the principal obligation unless the interest or incidental fee, charge, or expense is expressly authorized by the agreement creating the obligation and legally chargeable to the debtor or alleged debtor; or unless such interest or incidental fee, charge or expense is expressly authorized by law; and
- (5) Any communication with a debtor or alleged debtor whenever it appears that he is represented by an attorney and the attorney's name and address are known.

**Sec. -17 Unfair competition, unfair or deceptive acts or practices.** A violation of this chapter by a collection agency shall constitute unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce for the purpose of section 480-2."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 4. This Act shall take effect December 31, 1980.

(Approved May 18, 1979.)

A Bill for an Act Relating to Criminal Injuries Compensation.

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

SECTION 1. Section 351-70, Hawaii Revised Statutes, is amended to read:

**"Sec. 351-70 Annual report.** The criminal injuries compensation commission shall transmit annually to the governor and to the director of finance, at least thirty days prior to the convening of the legislature a report of its activities under this

## ACT 78

chapter including a brief description of the facts in each case, and the amount, if any, of compensation awarded, and the names of attorneys and health care providers where they are the applicants. The director of finance shall, within five days after the opening of the legislative session, transmit the report, together with a tabulation of the total amount of compensation awarded, and a legislative bill appropriating funds necessary to replenish the criminal injuries compensation fund for the compensation awarded. The criminal injuries compensation commission shall provide upon request of the governor, the director of finance, or the legislature, the relevant data, including the names of all applicants for compensation, under this chapter."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 18, 1979.)

## ACT 78

S.B. NO. 1043

A Bill for an Act Relating to Awarding of Interest in Civil Cases.

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

SECTION 1. **Purpose.** The purpose of this bill is to allow trial judges to exercise reasonable discretion in awarding interest in civil cases.

SECTION 2. Title 36, Hawaii Revised Statutes is amended by adding a new section to be appropriately designated and to read as follows:

**"Sec. 36- Awarding interest.** In awarding interest in civil cases, the judge is authorized to designate the commencement date to conform with the circumstances of each case, provided that the earliest commencement date in cases arising in tort, may be the date when the injury first occurred, and in cases arising by breach of contract, it may be the date when the breach first occurred."

SECTION 3. New statutory material is underscored.\*

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

(Approved May 18, 1979.)

## ACT 79

S.B. NO. 1049

A Bill for an Act Relating to Noise.

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

SECTION 1. Section 711-1101, Hawaii Revised Statutes, is amended to read as follows:

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\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

**“Sec. 711-1101 Disorderly conduct.** (1) A person commits the offense of disorderly conduct if, with intent to cause physical inconvenience or alarm by a member or members of the public, or recklessly creating a risk thereof, he:

- (a) Engages in fighting or threatening, or in violent or tumultuous behavior; or
- (b) Makes unreasonable noise; or
- (c) Makes any offensively coarse utterance, gesture, or display, or addresses abusive language to any person present, which is likely to provoke a violent response; or
- (d) Creates a hazardous or physically offensive condition by any act which is not performed under any authorized license or permit; or
- (e) Impedes or obstructs, for the purpose of begging or soliciting alms, any person in any public place or in any place open to the public.

(2) Noise is unreasonable, within the meaning of subsection (1)(b), if considering the nature and purpose of the person’s conduct and the circumstances known to him, including the nature of the location and the time of day or night, his conduct involves a gross deviation from the standard of conduct that a law-abiding citizen would follow in the same situation; or the failure to heed the admonition of a police officer that the noise is unreasonable and should be stopped or reduced.

The renter, resident, or owner-occupant of the premises who knowingly or negligently consents to unreasonable noise on his premises shall be guilty of a noise violation.

(3) Disorderly conduct is a petty misdemeanor if it is the defendant’s intention to cause substantial harm or serious inconvenience, or if he persists in disorderly conduct after reasonable warning or request to desist. Otherwise disorderly conduct is a violation.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 18, 1979.)

ACT 80

S.B. NO. 1238

A Bill for an Act Relating to Medical Torts.

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

SECTION 1. **Purpose.** The purpose of this bill is to effect changes to Chapter 671, Hawaii Revised Statutes, and to improve the hearings procedure of the medical claim conciliation panels.

SECTION 2. Section 671-13, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 671-13 Medical claim conciliation panel hearing; fact-finding; evidence; voluntary settlement.** Every claim of a medical tort shall be heard by the

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

medical claim conciliation panel within thirty days after the last date for filing a response. No persons other than the panel, witnesses and consultants called by the panel, and the persons listed in section 671-14 shall be present except with the permission of the chairperson. The panel may, in its discretion, conduct an inquiry of a party, witness or consultant without the presence of any or all parties.

The hearing shall be informal. Chapters 91 and 92 shall not apply. The panel may require a stenographic record of all or part of its proceedings for the use of the panel, but such record shall not be made available to the parties. The panel may receive any oral or documentary evidence. Questioning of parties, witnesses and consultants may be conducted by the panel and the panel may, in its discretion, permit any party, or any counsel for a party to question other parties, witnesses or consultants. The panel may designate who, among the parties, shall have the burden of going forward with the evidence with respect to such issues as it may consider, and unless otherwise designated by the panel, when medical and hospital records have been provided the claimant for the claimant's proper review, such burden shall initially rest with the claimant at the commencement of the hearing.

The panel shall have the power to require by subpoena the appearance and testimony of witnesses and the production of documentary evidence. When such subpoena power is utilized, notice shall be given to all parties. The testimony of witnesses may be taken either orally before the panel or by deposition. In cases of refusal to obey a subpoena issued by the panel, the panel may invoke the aid of any circuit court in the State, which may issue an order requiring compliance with the subpoena. Failure to obey such order may be punished by the court as a contempt thereof. Any member of the panel may sign subpoenas, administer oaths and affirmations, examine witnesses, and receive evidence. Notwithstanding such powers, the panel shall attempt to secure the voluntary appearance, testimony, and cooperation of parties, witnesses and consultants without coercion.

At the hearing of the panel and in arriving at its opinion the panel shall consider, but not be limited to, statements or testimony of witnesses, hospital and medical records, nurses' notes, x-rays and other records kept in the usual course of the practice of the health care provider without the necessity for other identification or authentication, statements of fact or opinion on a subject contained in a published treatise, periodical, book or pamphlet, or statements of experts without the necessity of the experts appearing at the hearing. The panel may upon the application of any party or upon its own decision appoint as a consultant, an impartial and qualified physician or surgeon or other professional person or expert to testify before the panel or to conduct any necessary professional or expert examination of the claimant or relevant evidentiary matter and to report to or testify as a witness thereto. Such a consultant shall not be compensated or reimbursed except for travel and living expenses to be paid as provided in section 671-11. Discovery by the parties shall not be allowed.

During the hearing and at any time prior to the rendition of an advisory decision pursuant to section 671-15, the panel may encourage the parties to settle or otherwise dispose of the case voluntarily."

SECTION 3. Section 671-14, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 671-14 Same; persons attending hearings of panel.** Unless excluded

or excused by the panel, the following persons shall attend hearings before the panel:

- (1) The party or parties making the claim;
- (2) The health care provider or providers against whom the claim is made or representatives thereof, other than counsel, authorized to act for such health care provider or providers;
- (3) Counsel for the parties, if any.’’

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 18, 1979.)

## ACT 81

S.B. NO. 1539

A Bill for an Act Relating to Exception to Liability.

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

SECTION 1. **Purpose.** The legislature finds that the ‘‘Good Samaritan Law’’, Section 663-1.5, Hawaii Revised Statutes, does not cover physicians who may render emergency medical care in a hospital to an emergency patient without any expectation of remuneration, until an attending physician arrives. The purpose of this bill is to include certain physicians under the ‘‘Good Samaritan Law’’. Specifically, those physicians who in good faith render emergency medical care in a hospital to a person, who is in immediate danger of loss of life, without remuneration or expectation of remuneration, shall not be liable for any civil damages, if the physician exercises that standard of care expected of similar physicians under similar circumstances.

SECTION 2. Section 663-1.5, Hawaii Revised Statutes, is amended to read as follows:

‘‘**Sec. 663-1.5 Exception to liability.** (a) Any person who in good faith renders emergency care, without remuneration, at the scene of an accident or emergency to a victim of the accident or emergency shall not be liable for any civil damages resulting from his acts or omissions, except for such damages as may result from his gross negligence or wanton acts or omissions.

(b) No act or omission of any rescue team or physician working in direct communications with a rescue team operating in conjunction with a hospital or an authorized emergency vehicle of the hospital or the State or county, while attempting to resuscitate any person who is in immediate danger of loss of life, shall impose any liability upon the rescue team, the physicians, or the owners or operators of such hospital or authorized emergency vehicle, if good faith is exercised.

For the purposes of this section, ‘‘rescue team’’ means a special group of physicians, basic life support personnel, advanced life support personnel, surgeons, nurses, volunteers, or employees of the owners or operators of the hospital or author-

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

ized emergency vehicle who have been trained in basic or advanced life support and have been designated by the owners or operators of the hospital or authorized emergency vehicle to attempt to provide such support and resuscitate persons who are in immediate danger of loss of life in cases of emergency.

This section shall not relieve the owners or operators of the hospital or authorized emergency vehicle of any other duty imposed upon them by law for the designation and training of members of a rescue team or for any provisions regarding maintenance of equipment to be used by the rescue team or any damages resulting from gross negligence or wanton acts or omissions.

(c) Any physician licensed to practice under the laws of this State or any other state who in good faith renders emergency medical care in a hospital to a person, who is in immediate danger of loss of life, without remuneration or expectation of remuneration, shall not be liable for any civil damages, if the physician exercises that standard of care expected of similar physicians under similar circumstances.

For the purpose of this section, "good faith" is used to include, but is not limited to, a reasonable opinion that the immediacy of the situation is such that the rendering of care should not be postponed."

SECTION 3. Section 663-1.5(c) of section 2 of this Act does not affect penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 18, 1979.)

ACT 82

S.B. NO. 1680

A Bill for an Act Relating to a Crime Commission.

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

SECTION 1. Section 843-5, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 843-5 Commission, functions.** The commission shall have the following functions and shall perform the following duties:

- (1) Develop, recommend, and where appropriate, implement public education programs relating to educating the public as to the nature of crime;
- (2) Develop, recommend, and where appropriate, implement programs of public education to provide defensive living education to the public, and information regarding affirmative steps which may be taken to avoid occurrence of crime, eliminate the possibility of becoming a victim of crime, and other information designed to defend against any aspect of crime;
- (3) Review and make recommendations regarding the operations of existing programs, agencies, and other projects relating to crime, including but not

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

- necessarily related to the courts, police, and prosecutorial agencies;
- (4) Review and make recommendations regarding existing substantive laws, procedures, and practices in relation to criminal matters or procedures, and the justice systems;
  - (5) Study and make recommendations for facilitating the reduction and prevention of destruction of public property, school violence, business, and other white collar crimes, and criminal activity;
  - (6) Study, develop, and make recommendations for the protection of the community, including name check systems for businesses, and other measures designed to protect individuals and the State from crime and direct and indirect criminal influence;
  - (7) Report, to the legislature prior to the convening of each legislative session, on its activities of the preceding year and on a program of action for the coming year;
  - (8) Investigate and collect evidence necessary to study criminal activity or the operation of the criminal justice system;
  - (9) Hold public and closed hearings;
  - (10) Receive, manage, and tender funds for rewards for apprehension and conviction of criminals; and
  - (11) Perform other functions and duties necessary to carry out the procedures established in section 843-6.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 18, 1979.)

## ACT 83

S.B. NO. 1682

A Bill for an Act Relating to Forfeiture of Property Used in Illegal Gambling.

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

SECTION 1. Section 712-1230, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 712-1230 Forfeiture of property used in illegal gambling.** Any gambling device, paraphernalia used on fighting animals or birds, implements, furniture, personal property, vehicles, vessels, aircraft, or gambling record possessed or used in violation of a section in this part, or any money or personal property used as a bet or stake in gambling activity in violation of a section in this part, may be ordered forfeited to the State, subject to the requirements of section 701-119, where the evidence satisfies the court by its preponderance that the owner allowed the illegal use of his property.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.



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

(Approved May 18, 1979.)

ACT 84

S.B. NO. 1727

A Bill for an Act Relating to Offenses Against the Person.

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

SECTION 1. Section 707-711, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 707-711 Assault in the second degree.** (1) A person commits the offense of assault in the second degree if:

- (a) He intentionally or knowingly causes bodily injury to another person with a dangerous instrument;
- (b) He recklessly causes serious bodily injury to another person with a dangerous instrument; or
- (c) He intentionally or knowingly causes bodily injury to a correctional worker, as defined in section 710-1031(2), who is engaged in the performance of duty or who is within a correctional facility.

(2) Assault in the second degree is a class C felony.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 18, 1979.)

ACT 85

H.B. NO. 742

A Bill for an Act Relating to Driver Licensing.

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

SECTION 1. Section 286-102, Hawaii Revised Statutes, is amended by amending subsection (d) to read:

“(d) No person, even if he is licensed to operate a motor vehicle in any of the categories provided in subsection (b) shall operate the motor vehicle for compensation, unless he is examined as provided in section 286-108, satisfies additional requirements as established by the examiner of drivers under section 286-103, and:

- (1) For vehicles having a gross vehicle weight rating of 10,000 pounds or less, is eighteen years of age or older; and
- (2) For vehicles having a gross vehicle weight rating of more than 10,000 pounds, is twenty-one years of age or older or is between eighteen and twenty-one years of age and is enrolled in a driver training program approved by the director.”

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 18, 1979.)

## ACT 86

H.B. NO. 1211

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. **Purpose.** The purpose of this Act is to implement Article X, section 6, of the Constitution of the State of Hawaii, as amended by the Hawaii Constitutional Convention of 1978, and pertaining to the jurisdiction of the board of regents, University of Hawaii.

SECTION 2. 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 general affairs, and exclusive jurisdiction over the internal organization and management, 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 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 for regular courses of instruction at any University of Hawaii campus, including any community college; provided that the tuition fee for nonresident students, both undergraduate and graduate, shall be not less than two times the tuition fee for resident students, but in no event less than two times the undergraduate tuition fee for resident students at the Manoa Campus. 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

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

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 600 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 3. 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 board shall have exclusive jurisdiction over the internal organization and management 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 4. This Act shall take effect upon its approval.

(Approved May 18, 1979.)

A Bill for an Act Relating to the Sale of Agricultural and Vegetable Seeds.

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

SECTION 1. Section 150-22, Hawaii Revised Statutes, is amended to read:

**“Sec. 150-22 Rules and regulations.** Subject to chapter 91, the department of agriculture may make rules and regulations with respect to:

- (1) Plants which are to be considered as noxious weeds for the purpose of sections 150-21 to 150-31;
- (2) Maximum amounts of noxious weed seeds which may be found in agricultural or vegetable seeds sold in the State;
- (3) Germination standards for agricultural and vegetable seeds;
- (4) Inspection, sampling, and testing of seeds at the request of persons interested therein, and charges to be made for such services;
- (5) Such further rules and regulations regarding the sale and labeling of seeds and the licensing of seed importers, including the license fee, as it may deem necessary to carry into effect the full intent and meaning of sections 150-21 to 150-31.

In making rules and regulations with respect to standards for agricultural and vegetable seeds and tolerances of noxious weed seeds, the department shall follow as closely as practicable the standards and tolerances established under the Federal Seed Act.”

SECTION 2. Section 150-24, Hawaii Revised Statutes, is amended to read:

**“Sec. 150-24 Agricultural seeds; labels.** Each container of agricultural seed that is sold or offered for sale within this State for sowing purposes shall bear thereon, or have attached thereto in a conspicuous place, a plainly written or printed label or tag in the English language, giving the following information:

- (1) Commonly accepted name of (A) kind or (B) kind and variety, or (C) kind and type of each agricultural seed component in excess of five per cent of the whole, and the percentage by weight of each in the order of its predominance. Where more than one component is required to be named, the word “mixture” or the word “mixed” shall be shown conspicuously on the label.
- (2) Lot number or other lot identification assigned by the department of agriculture.
- (3) Percentage by weight of all weed seeds.
- (4) The name and approximate number of each kind of noxious weed seeds to the extent required by rules and regulations of the department.
- (5) Percentage by weight of agricultural seeds other than those required to be named on the label.
- (6) Percentage by weight of inert matter.
- (7) For each named agricultural seed (A) the percentage of germination, exclusive of hard seed, (B) the percentage of hard seed, if present, and (C) the calendar month and year the test was completed to determine such percentages. Following (A) and (B) the additional statement “total germination and hard seed” may be stated as such, if desired.
- (8) Name and address of the person who labeled the seed if it was labeled in the State. If not labeled within the State, the name and address of the person who imported or caused the seed to be imported into the State.

The department, by rule, may require additional information on the label or tag

for agricultural seeds that are processed such as pelleted or coated seeds sold in specialized containers such as packets or hermetically sealed containers, sold on tapes, or sold in any other innovative procedure or container.”

SECTION 3. Section 150-25, Hawaii Revised Statutes, is amended to read:

“**Sec. 150-25 Vegetable seeds; labels.** Each container of vegetable seed that is sold or offered for sale within this State for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information:

- (1) Name of kind and variety of seed.
- (2) For seeds which germinate less than the standard last established by the rules and regulations of the department of agriculture:
  - (A) Percentage of germination, exclusive of hard seed.
  - (B) Percentage of hard seed, if present.
  - (C) The calendar month and year the test was completed to determine such percentages.
  - (D) The words “below standard” in not less than eight-point type.
- (3) Name and address of the person who labeled the seed if it was labeled in the State. If not labeled within the State, the name and address of the person who imported or caused the seed to be imported into the State.

The department, by rule, may require additional information on the label of vegetable seeds that are processed such as pelleted or coated seeds sold in specialized containers such as packets or hermetically sealed containers, sold on tapes, or sold in any other innovative procedure or container.”

SECTION 4. Section 150-29, Hawaii Revised Statutes, is amended to read:

“**Sec. 150-29 Importers; licenses.** No person shall import or cause to be imported into the State for purposes of sale or resale, any agricultural or vegetable seeds for sowing purposes unless the person shall have a license to do so from the department of agriculture. Application for such license shall be made to the department and shall conform to such rules and regulations with respect thereto as may be made by the department. All licenses shall expire on July 1 of each year.”

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored. \*

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

(Approved May 18, 1979.)

ACT 88

H.B. NO. 1668

A Bill for an Act Relating to the Sale and Use of Pesticides.

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

SECTION 1. Section 149A-11, Hawaii Revised Statutes, is amended to read:

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

**“Sec. 149A-11 Prohibited acts.** (a) Except as otherwise exempted in section 149A-12, it shall be unlawful for any person to distribute, solicit, sell, offer for sale, hold for sale, transport, deliver for transportation, or receive and having so received, deliver or offer to deliver to any person in intrastate commerce or between points within this State through any point outside this State any of the following:

- (1) Any pesticide which is not licensed pursuant to section 149A-13, or any pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its licensing, or if the composition of a pesticide differs from its composition as represented in connection with its licensing; provided that in the discretion of the department, a change in the labeling or formula of a pesticide may be made within a licensing period without requiring an additional licensing of the product.
  - (2) Any pesticide unless it is in the licensee’s or the manufacturer’s unbroken immediate container, and there is affixed to the container, and to the outside container or wrapper of the retail package, if any, through which the required information on the immediate container cannot be clearly read, a label bearing such information pursuant to section 149A-15.
  - (3) Any pesticide which contains any substance or substances in quantities highly toxic to man, determined as provided in section 149A-19, unless the label bears, in addition to any other matter required by this chapter:
    - (A) A symbol of the skull and crossbones;
    - (B) The word “POISON” prominently, in red, on a background of distinctly contrasting color; and
    - (C) A statement of emergency medical treatment or an antidote when appropriate for the pesticide.
  - (4) The pesticides containing any of the ingredients commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluosilicate, or barium fluosilicate, unless they have been distinctly colored or discolored or any other white powder pesticide which the board, after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of such coloration or discoloration, requires to be distinctly colored or discolored, unless it has been so colored or discolored pursuant to section 149A-16.
  - (5) Any pesticide which is adulterated or misbranded[.] as defined in section 149A-2.
  - (6) Any pesticide or device that is an imitation of another pesticide or device.
  - (7) Any restricted [pesticides] pesticide unless the person has a [[permit]] license issued in accordance with section 149A-17.
  - (8) Any restricted [pesticides] pesticide to persons other than a certified pesticide applicator or any uncertified personnel under his supervision, or a licensed dealer, wholesaler, or retailer.
- (b) It shall be unlawful to:
- (1) Detach, alter, deface, or destroy, in whole or in part, any label or alter any labeling of a pesticide unless such action is taken with the approval of the department to correct an improper label or labeling under section 24(c),

- Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended.
- (2) Add any substance to, or take any substance from, a pesticide in a manner that may defeat the purpose of this chapter.
  - (3) Use for a person's own advantage or to reveal any information relative to formulas of products acquired in the administration of this chapter, to persons other than to the chairman or proper officials or employees of the State or the federal government, or the courts of this State or the federal government in response to a subpoena, or the physicians, or in emergencies to pharmacists and other qualified persons for use in the preparation of antidotes.
  - (4) For any pesticide dealer, wholesaler, or retailer to expose or to offer for sale or to solicit or receive orders for the sale of restricted pesticides unless the dealer, wholesaler, or retailer has applied for and has obtained an annual license from the department.
  - (5) For any pesticide dealer, wholesaler, or retailer to expose or to offer for sale or to solicit or receive orders for the sale of restricted pesticides to any person other than a certified pesticide applicator.
  - (6) For any pesticide dealer, wholesaler, or retailer to make any verbal or written claim or representation relating to any pesticide product that is inconsistent with the specific pesticide product label."

SECTION 2. Section 149A-33, Hawaii Revised Statutes, is amended to read:

**"Sec. 149A-33 Rules and regulations.** The department shall have the authority to carry out and effectuate the purpose of this chapter by rules and regulations, including but not limited to the following:

- (1) To establish fees, procedures, conditions, and standards to certify persons for the use of restricted pesticides under section 4 of FIFRA, as amended;
- (2) To establish limitations and conditions for the application of pesticides by aircraft, power rigs, mist blowers, and other equipment;
- (3) To establish, as necessary, specific standards and guidelines which specify those conditions which constitute unreasonable adverse effect on the environment; [and]
- (4) To establish, as necessary, record keeping requirements for restricted pesticide use by commercial applicators[.]; and
- (5) To establish, as necessary, procedures for the issuance of guidelines to specify those conditions that constitute use of a pesticide in a manner inconsistent with its label."

SECTION 3. Section 149A-41, Hawaii Revised Statutes, is amended to read:

**"Sec. 149A-41 Violations, warning notice, and penalties.** (a) Warning notice. Any person who violates this chapter or any rule or regulation issued hereunder may upon the first violation be issued a written warning notice citing the specific violation and necessary corrective action.

(b) Civil penalties.

- (1) In general, any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any provision of this chapter may be assessed a civil penalty by the board of not more than \$5,000 for each offense.

- (2) Any private applicator or other person not included in paragraph (1) who violates any provision of this chapter subsequent to receiving a written warning from the department or following a citation for a prior violation may be assessed a civil penalty by the board of not more than \$1,000 for each offense.
  - (3) No civil penalty shall be assessed unless the person charged shall have been given notice and opportunity for a hearing on such charge in the county of the residence of the person charged. In determining the amount of penalty the board shall consider the appropriateness of such penalty to the size of the business of the person charged, the effect on the person's ability to continue business, and the gravity of the violation.
  - (4) In case of inability to collect such civil penalty or failure of any person to pay all, or such portion of such civil penalty as the board may determine, the board shall refer the matter to the attorney general, who shall recover such amount by action in the appropriate court.
- (c) Criminal penalties.
- (1) In general, any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who knowingly violates any provision of this chapter shall be guilty of a misdemeanor and shall on conviction be fined not more than \$25,000, or imprisoned for not more than one year, or both.
  - (2) Any private applicator or other person not included in paragraph (1) who knowingly violates any provision of this chapter shall be guilty of a misdemeanor and shall on conviction be fined not more than \$1,000, or imprisoned for not more than [thirty days,] one year, or both.
  - (3) Any person, who, with intent to defraud, uses or reveals information relative to formulas of products acquired under the authority of section 3, Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, shall be fined not more than \$10,000, or imprisoned for not more than three years, or both.

(d) Liabilities.

[(4)] When construing and enforcing the provisions of this chapter, the act, omission, or failure of any officer, agent, or other person acting for or employed by any person shall in every case be also deemed to be the act, omission, or failure of such person as well as that of the person employed."

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 18, 1979.)

ACT 89

S.B. NO. 5

A Bill for an Act Relating to Twelve Member Jury (Constitutional Amendment).

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

SECTION 1. **Purpose.** The purpose of this Act is to conform the Hawaii Revised Statutes to the Hawaii State Constitution as amended by the Constitutional



## ACT 90

Convention of 1978 and ratified by the electorate on November 7, 1978.

SECTION 2. Chapter 806, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

**“Sec. 806- Jury of twelve required.** Any defendant charged with a serious crime shall have the right to trial by a jury of twelve members. “Serious crime” means any crime for which the defendant may be imprisoned for six-months or more.”

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 19, 1979.)

## ACT 90

S.B. NO. 6

A Bill for an Act Relating to Jury Trial in Civil Matters (Constitutional Amendments of Article I, Section 13).

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

SECTION 1. **Purpose.** The purpose of this bill is to implement Article I of the Constitution of the State of Hawaii as amended by the Hawaii Constitutional Convention of 1978 and pertaining to jury trial in civil matters.

SECTION 2. Section 604-5(b), Hawaii Revised Statutes, is amended to read as follows:

“(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 if the amount in controversy exceeds \$1000.”

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

(Approved May 19, 1979.)

## ACT 91

S.B. NO. 42

A Bill for an Act Relating to Code of Ethics (Constitutional Amendment of Article XIV).

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

SECTION 1. **Purpose.** The purpose of this Act is to implement Article XIV of

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\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

the Hawaii Constitution pertaining to a Code of Ethics as amended by the Hawaii Constitutional Convention of 1978 and ratified by the voters on November 7, 1978.

SECTION 2. The Preamble of chapter 84, Hawaii Revised Statutes, is amended to read as follows:

**“PREAMBLE**

The purpose of this chapter is to (1) prescribe standards of conduct for elected officers and public employees of the State as mandated by the people of the State of Hawaii in the Hawaii Constitution, Article XIV; (2) educate the citizenry with respect to ethics in government; and (3) establish an ethics commission which will administer the codes of ethics adopted by the constitutional convention and by the legislature and render advisory opinions and enforce the provisions of this law so that public confidence in public servants will be preserved.”

SECTION 3. Section 84-2, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 84-2 Applicability.** This chapter shall apply to every nominated, appointed, or elected officer, employee, and candidate to elected office of the State and for election to the constitutional convention, but excluding justices and judges; provided however, that in the case of elected delegates and employees of the constitutional convention, this chapter shall apply only to the enforcement and administration of the code of ethics adopted by the constitutional convention.”

SECTION 4. Subsection (4) of section 84-3, Hawaii Revised Statutes, is amended to read as follows:

“(4) “Employee” means any nominated, appointed, or elected officer or employee of the State, including members of boards, commissions, and committees, and employees under contract to the State or of the constitutional convention, but excluding legislators, delegates to the constitutional convention, justices and judges.”

SECTION 5. The title to part II of chapter 84, Hawaii Revised Statutes is amended to read as follows:

**“PART II. CODE OF ETHICS”**

SECTION 6. Section 84-17, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 84-17 Requirements of disclosure.** (a) For the purposes of this section, the term “disclosure period” refers to the period from January 1 of the preceding calendar year to the time of the filing of the employee’s or legislator’s disclosure of financial interests.

(b) The disclosure of financial interests required by this section shall be filed between January 1 and April 30 of each year or within thirty days of one’s election or appointment to a state position enumerated in subsection (c); provided that candidates for state elective offices or the constitutional convention shall file the required statements no later than twenty days prior to the date of the primary election for state

offices or the election of delegates to the constitutional convention.

(c) The following persons shall file annually with the state ethics commission a disclosure of financial interests:

- (1) The governor, the lieutenant governor, the members of the legislature, and delegates to the constitutional convention; provided that delegates to the constitutional convention shall only be required to file initial disclosures.
- (2) The directors and their deputies, the division chiefs, the executive directors and the executive secretaries and their deputies, the purchasing agents and the fiscal officers, regardless of the titles by which the foregoing persons are designated, of every state agency and department.
- (3) The permanent employees of the legislature and its service agencies, other than persons employed in clerical, secretarial, or similar positions.
- (4) The administrative director of the State, and the assistants in the office of the governor and the lieutenant governor, other than persons employed in clerical, secretarial, or similar positions.
- (5) The hearings officers of every state agency and department.
- (6) The president, the vice presidents, the chancellors, and the provosts of the University of Hawaii and its community colleges.
- (7) The superintendent, the deputy superintendent, the assistant superintendents, and the district superintendents of the department of education.
- (8) The members of every state board or commission whose original terms of office are for periods exceeding one year and whose functions are not solely advisory.
- (9) Candidates for state elective offices, including candidates for election to the constitutional convention, provided that candidates shall only be required to file initial disclosures.

(d) The financial disclosure statements of the following persons shall be public records and available for inspection as specified in section 92-51:

- (1) The governor, the lieutenant governor, the members of the legislature, candidates for and delegates to the constitutional convention, the members of the board of education, and candidates for state elective offices.
- (2) The directors of the state departments and their first and second deputies.
- (3) The administrative director of the State.
- (4) The president, the vice presidents, and the chancellors of the University of Hawaii.
- (5) The superintendent and the deputy superintendent of the department of education.

(e) The information on the financial disclosure statements shall be confidential, except as provided in subsection (d). The commission shall not release the contents of the disclosures except as may be permitted pursuant to this chapter. Any person who releases any confidential information shall be subject to section 84-31(c).

(f) Candidates for state elective offices, including candidates for election to the constitutional convention, shall only be required to disclose their own financial interests. The disclosures of financial interests of all other persons designated in section 84-17(c) shall state, in addition to the financial interests of the person disclosing, the financial interests of the person's spouse and dependent children. All disclosures shall include:

- (1) The source and amount of all income of \$1,000 or more received, for services rendered, by the person in his own name or by any other person for his use or benefit during the preceding calendar year and the nature of the services rendered; provided that information that may be privileged by law or individual items of compensation that constitute a portion of the gross income of the business or profession from which the person derives income need not be disclosed.
- (2) The amount and identity of every ownership or beneficial interest held during the disclosure period in any business incorporated, regulated, or licensed to carry on business in the State having a value of \$5,000 or more or equal to ten per cent of the ownership of the business and, if the interest was transferred during the disclosure period, the date of the transfer; provided that an interest in the form of an account in a federal or state regulated financial institution, an interest in the form of a policy in a mutual insurance company, or individual items in a mutual fund or a blind trust, if the mutual fund or blind trust has been disclosed pursuant to this paragraph, need not be disclosed.
- (3) Every officership, directorship, trusteeship, or other fiduciary relationship held in a business during the disclosure period, the term of office and the annual compensation.
- (4) The name of each creditor to whom the value of \$3,000 or more was owed during the disclosure period and the original amount and amount outstanding; provided that debts arising out of retail installment transactions for the purchase of consumer goods need not be disclosed.
- (5) The tax map key number and street address, if any, and the value of any real property in the State in which the person holds an interest whose value is \$10,000 or more, and, if the interest was transferred or obtained during the disclosure period, a statement of the amount and nature of the consideration received or paid in exchange for such interest, and the name of the person furnishing or receiving the consideration.
- (6) The names of clients personally represented before state agencies, except in ministerial matters, for a fee or compensation during the disclosure period and the names of the state agencies involved.
- (7) The amount and identity of every creditor interest in an insolvent business held during the disclosure period having a value of \$5,000 or more.
- (g) Where an amount is required to be reported, the person disclosing the same shall report the amount as exactly as is practicable. An amount of stock shall be reported by number of shares and by estimated market value on the date reported.
- (h) The state ethics commission shall provide a short form of disclosure for subsequent annual filings in those instances where the financial interests of the person disclosing are substantially the same as those reported for the preceding disclosure period.
  - (i) Failure of a legislator, a delegate to the constitutional convention or employee to file a disclosure of financial interests as required by this section shall be a violation of this chapter.
  - (j) The chief election officer, upon receipt of the nomination paper of any person seeking a state elective office, including the office of delegate to the constitu-

tional convention, shall notify the ethics commission of the name of the candidate for state office and the date on which the person filed the nomination paper. The ethics commission, upon the expiration of the time allowed for filing, shall release to the public a list of all candidates who have failed to file financial disclosure statements.”

SECTION 7. Section 84-19, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 84-19 Violation.** (a) Any favorable state action obtained in violation of any of the standards for legislators or employees and former employees is voidable in the same manner as voidable contracts as provided for under section 84-16; and the State by the attorney general may pursue all legal and equitable remedies available to it.

(b) The State by the attorney general may recover any fee, compensation, gift, or profit received by any person as a result of a violation of these standards by a legislator or employee or former legislator or employee. Action to recover under this subsection (b) shall be brought within two years of such violation under this chapter.

(c) Any violation of this chapter by an employee, candidate for election to and elected delegate to the constitutional convention shall be punishable only in accordance with the code of ethics adopted by the constitutional convention.”

SECTION 8. Section 84-31, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 84-31 Duties of commission; complaint, hearing, determination.** (a) The ethics commission shall have the following powers and duties:

- (1) It shall prescribe forms for the disclosures required by Article XIV of the Hawaii Constitution and section 84-17 and shall establish orderly procedures for implementing the requirements of those provisions.
- (2) It shall render advisory opinions upon the request of any legislator, employee, or delegate to the constitutional convention, or person formerly holding such office or employment as to whether the facts and circumstances of a particular case constitute or will constitute a violation of the standards. If no advisory opinion is rendered within thirty days after the request is filed with the commission, it shall be deemed that an advisory opinion was rendered and that the facts and circumstances of that particular case do not constitute a violation of the standards. The opinion rendered or deemed rendered, until amended or revoked, shall be binding on the commission in any subsequent charges concerning the legislator, employee, or delegate to the constitutional convention, or person formerly holding such office or employment who sought the opinion and acted in reliance on it in good faith, unless material facts were omitted or misstated by such persons in the request for an advisory opinion.
- (3) It shall initiate, receive, and consider charges concerning alleged violation of this chapter, initiate or make investigation, and hold hearings.
- (4) It may subpoena witnesses, administer oaths, and take testimony relating to matters before the commission and require the production for examination of any books or papers relative to any matter under investigation or in question before the commission. Before the commission shall exercise any of

the powers authorized herein with respect to any investigation or hearings it shall by formal resolution, supported by a vote of three or more members of the commission, define the nature and scope of its inquiry.

- (5) It may, from time to time make, amend, and repeal such rules and regulations, not inconsistent with this chapter as in the judgment of the commission seem appropriate for the carrying out of this chapter and for the efficient administration thereof, including every matter or thing required to be done or which may be done with the approval or consent or by order or under the direction or supervision of or as prescribed by the commission. The rules and regulations, when adopted as provided in chapter 91, shall have the force and effect of law.
- (6) It shall have jurisdiction for purposes of investigation and taking appropriate action on alleged violations of this chapter in all proceedings commenced within one year after termination of state employment by a legislator or employee. Nothing herein shall bar proceedings against a person who by fraud or other device, prevents discovery of a violation of this chapter. A proceeding shall be deemed commenced by the signing of a charge by three or more members of the commission.
- (7) It shall distribute its publications without cost to the public and shall initiate and maintain programs with the purpose of educating the citizenry and all legislators, delegates to the constitutional convention, and employees on matters of ethics in government employment.
- (8) It shall administer any code of ethics adopted by a state constitutional convention, subject to the procedural requirements of this part and any rules adopted thereunder.
- (9) It shall perform the duties and fulfill the functions assigned to it by chapter 97, relating to registration of lobbyists.

(b) Charges concerning the violation of this chapter shall be in writing, signed by the person making the charge under oath, except that any charge initiated by the commission shall be signed by three or more members of the commission. The commission shall notify in writing every person against whom a charge is received and afford him an opportunity to explain the conduct alleged to be in violation of the chapter. The commission may investigate, after compliance with this section, such charges and render an informal advisory opinion to the alleged violator. The commission shall investigate all charges on a confidential basis, having available all the powers herein provided, and proceedings at this stage shall not be public. If the informal advisory opinion indicates a probable violation, the person charged shall request a formal opinion or within a reasonable time comply with the informal advisory opinion. If the person charged fails to comply with such informal advisory opinion or if a majority of the members of the commission determine that there is probable cause for belief that a violation of this chapter might have occurred, a copy of the charge and a further statement of the alleged violation shall be personally served upon the alleged violator. He shall have twenty days after service thereof to respond in writing to the charge and statement.

(c) Any commission member or individual, including the individual making the charge, who divulges information concerning the charge prior to the issuance of the complaint by the commission, or if the investigation discloses that the complaint

should not be issued by the commission, at any time divulges any information concerning the original charge, or divulges the contents of the disclosures except as permitted by this chapter, shall be guilty of a felony which shall be punishable by a fine of not more than \$5,000 or imprisonment of not more than five years, or both, or in the case of a legislator, when acting in his legislative capacity, be subject to discipline pursuant to article III, section 13,† of the Hawaii Constitution as the case may be.

(d) If after twenty days following personal service, a majority of the members of the commission conclude that there is reason to believe that a violation of this chapter or of the code of ethics adopted by the constitutional convention has been committed, then the commission shall set a time and place for a hearing, giving notice to the complainant and the alleged violator. All parties shall have an opportunity (1) to be heard, (2) to subpoena witnesses and require the production of any books or papers relative to the proceedings, (3) to be represented by counsel, and (4) to have the right of cross-examination. All hearings shall be in accordance with chapter 91. All witnesses shall testify under oath and the hearings shall be closed to the public unless the party complained against requests an open hearing. The commission shall not be bound by the strict rules of evidence but the commission's findings must be based upon competent and substantial evidence. All testimony and other evidence taken at the hearing shall be recorded. Copies of transcripts of such record shall be available only to the complainant and the alleged violator at their own expense, and the fees therefor shall be deposited in the State's general fund.

(e) A decision of the commission pertaining to the conduct of any legislator, delegate to the constitutional convention, or employee or person formerly holding such office or employment shall be in writing and signed by three or more of the members of the commission.

(f) The commission shall cause to be published yearly summaries of decisions, advisory opinions, and informal advisory opinions. The commission shall make sufficient deletions in the summaries to prevent disclosing the identity of persons involved in the decisions or opinions."

SECTION 9. Section 84-32, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 84-32 Procedure.** (a) With respect to legislators and employees removable only by impeachment: when the ethics commission after due hearings pursuant to section 84-31(d) determines that there is sufficient cause to file a complaint against a legislator or an employee removable only by impeachment, it shall issue a complaint and refer the matter to the appropriate body of the legislature. The complaint must contain a statement of the facts alleged to constitute the violation. If within thirty days after the referral, the legislature has not disposed of the complaint, the commission shall make the charges public. Days during which the legislature is not in session shall not be included in determining the thirty-day period.

(b) With respect to employees other than legislators and employees removable only by impeachment: when the commission after due hearing determines pursuant to section 84-31(d) that there is sufficient cause to file a complaint against an employee other than a legislator, or an employee removable only by impeachment, it shall refer

†So in original. Probably should read "12".

the decision to the governor who shall take appropriate action within sixty days and shall notify the commission of the action taken.

If it is found that a violation has occurred, the governor or the ethics commission by a vote of four members may make the findings and the record of the proceeding public, taking into account the seriousness of the violation.

This subsection shall not prevent the commission from reporting decisions in the yearly summaries required by section 84-31(f).

(c) With respect to former employees: the commission may with the consent of four commissioners issue a public statement of its findings and conclusions, and the attorney general may exercise whatever legal or equitable remedies which may be available to the State.

(d) With respect to delegates to the constitutional convention removable only by impeachment: when the ethics commission after due hearing pursuant to section 84-31(d) determines that there is sufficient cause to file a complaint against a delegate to the constitutional convention, it shall issue a complaint and refer the matter to the appropriate body of the constitutional convention."

SECTION 10. Part IV of Chapter 84, Hawaii Revised Statutes, is amended by the addition of a new section to be appropriately designated and to read as follows:

**"Sec. 84- Prohibition from political activity.** The members of the ethics commission and its staff shall not take an active part in political management or in political campaigns during the term of office or employment."

SECTION 11. Section 97-3, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 97-3 Contributions and expenditures; statement.** (a) A lobbyist shall file a certified statement with the state ethics commission if he:

- (1) Expends \$100 or more in any calendar quarter for lobbying; or
- (2) Receives compensation or reimbursement for lobbying; or
- (3) Engages in lobbying activities as part of his regular employment whether or not he is directly compensated for such activities.

(b) The statement shall be filed with the state ethics commission on June 30 and December 31 of each year and shall contain the following information:

- (1) The name and address of each person with respect to whom expenditures for the purpose of lobbying in the total sum of \$25 or more per day was made by the lobbyist during the statement period and the amount or value of such expenditure;
- (2) The name and address of each person with respect to whom expenditures for the purpose of lobbying in the aggregate of \$150 or more was made by the lobbyist during the statement period and the amount or value of such expenditures;
- (3) The total sum or value of all expenditures for the purpose of lobbying made by the lobbyist during the statement period in excess of \$300 during the statement period;
- (4) The name and address of each person making contributions to the lobbyist for the purpose of lobbying in the total sum of \$25 or more during the statement period and the amount or value of such contributions; and



(5) The subject area of the legislative and administrative action which was supported or opposed by the lobbyist during the statement period.

(c) The receipt or expenditure of any money for the purpose of influencing the election or defeat of any candidate for an elective office or for the passage or defeat of any proposed measure at any special or general election is excluded from the reporting requirement of this section."

SECTION 12. Section 97-4, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 97-4 Manner of filing; public records.** All statements required by this chapter to be filed with the state ethics commission:

- (1) Shall be deemed properly filed when delivered or deposited in an established post office within the prescribed time, duly stamped, registered, or certified, and directed to the state ethics commission; provided in the event it is not received, a duplicate of the statement shall be promptly filed upon notice by the state ethics commission of its nonreceipt; and
- (2) Shall be preserved by the state ethics commission for a period of four years from the date of filing; and shall constitute part of the public records of the state ethics commission and shall be open to public inspection."

SECTION 13. Section 97-6, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 97-6 Administration.** It shall be the duty and responsibility of the state ethics commission:

- (1) On the verified complaint of any person, to investigate or cause to be investigated the activities of any lobbyist to determine whether the lobbyist is in compliance with this chapter; and
- (2) To refer for prosecution any violation of section 97-3."

SECTION 14. All records, files, supplies, contracts, papers, documents, and other personal property heretofore made, used, held, or acquired by the office of the legislative auditor solely for the purpose of the lobbyist registration function which is transferred to the state ethics commission are transferred with that function.

SECTION 15. Statutory material to be repealed is bracketed. New material is underscored. \*

SECTION 16. This Act shall take effect upon its approval.

(Approved May 19, 1979.)

ACT 92

S.B. NO. 481

A Bill for an Act Relating to Criminal Injuries Compensation.

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

SECTION 1. Section 351-31, Hawaii Revised Statutes, is amended to read as follows:

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

**“Sec. 351-31 Eligibility for compensation.** (a) In the event any person is injured or killed by any act or omission of any other person coming within the criminal jurisdiction of the State after June 6, 1967, which act or omission is within the description of the crimes enumerated in section 351-32, the criminal injuries compensation commission may, in its discretion, upon an application, order the payment of compensation in accordance with this chapter:

- (1) To or for the benefit of the victim; or
- (2) To any person responsible for the maintenance of the victim, where that person has suffered pecuniary loss or incurred expenses as a result of the victim’s injury or death; or
- (3) In the case of the death of the victim, to or for the benefit of any one or more of the dependents of the deceased victim; or
- (4) To a parent of an adult deceased victim, or to an adult son or daughter of a deceased victim, where the parent, or adult son or daughter, has incurred expenses on account of hospital, medical, funeral, and burial expenses as a result of the victim’s injury and death.

(b) For the purposes of this chapter, a person shall be deemed to have intentionally committed an act or omission notwithstanding that by reason of age, insanity, drunkenness, or otherwise he was legally incapable of forming a criminal intent.

(c) In determining whether to make an order under this section, the commission may consider any circumstances it determines to be relevant, and the commission shall consider the behavior of the victim, and whether, because of provocation or otherwise, the victim bears any share of responsibility for the crime that caused his injury or death and the commission shall reduce the amount of compensation in proportion to the amount of responsibility for the crime which caused the victim’s injury or death; provided that if such proportion is greater than the responsibility of the person who committed the act or omission or in the case of more than one person, the aggregate responsibility of such persons because of whom compensation is sought, the commission shall not award any compensation to such victim.

(d) An order may be made under this section whether or not any person is prosecuted for or convicted of a crime arising out of an act or omission described in subsection (a), provided an arrest has been made or such act or omission has been reported to the police without undue delay. No order may be made under this section unless the commission finds that:

- (1) The act or omission did occur; and
- (2) The injury or death of the victim resulted from the act or omission.

Upon application from either the prosecuting attorney or the chief of police of the appropriate county, the commission may suspend proceedings under this chapter for such period as it deems desirable on the ground that a prosecution for a crime arising out of the act or omission has been commenced or is imminent, or that release of the investigation report would be detrimental to the public interest.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

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

(Approved May 19, 1979.)

## ACT 93

S.B. NO. 581

A Bill for an Act Relating to Horizontal Property Regimes.

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

SECTION 1. Section 514A-11, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 514A-11 Recordation and contents of declaration.** The bureau of conveyances and the land court shall immediately set up the mechanics and method by which recordation of a master deed or lease and the declaration may be made. Provisions shall be made for the recordation of instruments affecting the individual apartments on subsequent resales, mortgages, and other encumbrances, as is done with all other real estate recordations; provided that land court certificates of title shall not be issued for apartments. The declaration to which section 514A-20 refers shall express the following particulars:

- (1) Description of the land, whether leased or in fee simple, on which the building or buildings and improvements are or are to be located.
- (2) Description of the building or buildings, stating the number of stories and basements, the number of apartments, and the principal materials of which it or they is or are constructed or to be constructed.
- (3) The apartment number of each apartment, and a statement of its location, approximate area, number of rooms, and immediate common element to which it has access, designated parking stall, if considered a limited common element, and any other data necessary for its proper identification.
- (4) Description of the common elements.
- (5) Description of the limited common elements, if any, stating to which apartments their use is reserved.
- (6) The percentage of undivided interest in the common elements appertaining to each apartment and its owner for all purposes, including voting.
- (7) Statement of the purposes for which the building or buildings and each of the apartments are intended and restricted as to use.
- (8) The name of a person to receive service of process in the cases hereinafter provided, together with the residence or place of business of the person which shall be within the county or city and county in which the property is located.
- (9) Provision as to the percentage of votes by the apartment owners which shall be determinative of whether to rebuild, repair, or restore the property in the event of damage or destruction of all or part of the property.
- (10) Any further details in connection with the property which the person executing the declaration may deem desirable to set forth consistent with this chapter.
- (11) The method by which the declaration may be amended, consistent with this chapter.

- (12) Description as to any additions, deletions, modifications, and reservations as to the property.
- (13) In the case of a project which includes one or more existing structures being converted to condominium status, a statement that the project is in compliance with all ordinances, codes, rules, regulations, or other requirements in force at the time of its construction.
- (14) In the case a project which includes one or more existing structures being converted to condominium status, statement of whether any variance has been granted from any ordinance, code, rule, regulation, or other requirement in force at the time of its construction or from any current ordinance, code, rule, regulation, or other requirement."

SECTION 2. Section 514A-40, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 514A-40 Issuance of final reports prior to completion of construction.** No final public report shall be issued prior to completion of construction of the project, unless there is filed with the real estate commission:

- (1) A verified statement showing all costs involved in completing the project, including land payments or lease payments, real property taxes, construction costs, architect, engineering, and attorneys' fees, financing costs, provisions for contingency, etc., which must be paid on or before the completion of construction of the building;
- (2) A verified estimate of the time of completion of construction of the total project;
- (3) Satisfactory evidence of sufficient funds to cover the total project cost from purchasers' funds, equity funds, interim or permanent loan commitments, or other sources;
- (4) A copy of the executed construction contract;
- (5) Satisfactory evidence of a performance bond of not less than one hundred per cent of the cost of construction;
- (6) If purchasers' funds are to be used for construction, an executed copy of the escrow agreement for the trust fund required under section 514A-67 for financing construction, which shall expressly provide for:
  - (A) No disbursements by the escrow agent for payment of construction costs unless bills are submitted with the request for such disbursements which have been approved or certified for payment by the mortgagee or a financially disinterested person; and
  - (B) No disbursements from the balance of the trust fund after payment of construction costs pursuant to the preceding paragraph until the escrow agent received satisfactory evidence that all mechanics' and materialmen's liens have been cleared, unless sufficient funds are set aside for any bona fide dispute;
- (7) A parking plan to include designated residence parking stalls and guest parking, if any, exclusive of assignment to individual apartments, if parking stalls are to be considered limited common elements;
- (8) In the case of a project which includes one or more existing structures being converted to condominium status, a verified statement signed by an appro-

prate county official that the project is in compliance with all ordinances, codes, rules, regulations, and other requirements in force at the time of its construction;

- (9) In the case of a project which includes one or more existing structures being converted to condominium status, a verified statement signed by an appropriate county official of whether any variance has been granted from any ordinance, code, rule, regulation, or any other requirement in force at the time of its construction or from any current ordinance, code, rule, regulation, or other requirement;
- (10) In the case of a project which includes one or more existing structures being converted to condominium status:
  - (A) A statement by the declarant, based upon a report prepared by an independent registered architect or engineer, describing the present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the condominium;
  - (B) A statement by the declarant of the expected useful life of each item reported on in subparagraph (A) or a statement that no representations are made in that regard;
  - (C) A list of any outstanding notices of uncured violations of building code or other municipal regulations, together with the cost of curing these violations; and
  - (D) Subparagraphs (A), (B), and (C) apply only to apartments that may be occupied for residential use, and only to apartments that have been in existence for five years.”

SECTION 3. Section 514A-61, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 514A-61 Disclosure requirements.** (a) Each developer of a project subject to this chapter shall prepare and provide to each prospective initial purchaser an abstract which shall contain the following:

- (1) The name and address of the project, and the name, address, and telephone number of the developer or his agent and of the project manager or his agent;
  - (2) A breakdown on the annual maintenance fees and the monthly estimated cost for each apartment, revised and updated at least every twelve months and certified to have been based on generally accepted accounting principles;
  - (3) A description of all warranties for the individual apartments and the common elements, including the date of initiation and expiration of any such warranties; and if no warranties exist, the developer shall state that no warranties exist;
  - (4) A statement of the proposed number of apartments to be used for residential or hotel use in a mixed project containing apartments for both residential and hotel use;
  - (5) A statement of the extent of commercial or other non-residential development in the project.
- (b) In the case of a project which includes one or more existing structures being

converted to condominium status:

- (1) A statement by the declarant, based upon a report prepared by an independent registered architect or engineer, describing the present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the condominium;
  - (2) A statement by the declarant of the expected useful life of each item reported on in paragraph (1) or a statement that no representations are made in that regard; and
  - (3) A list of any outstanding notices of uncured violations of building code or other municipal regulations, together with the cost of curing these violations;
  - (4) Paragraphs (1), (2), and (3) apply only to apartments that may be occupied for residential use, and only to apartments that have been in existence for five years.
- (c) This section shall be administered by the real estate commission."

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 19, 1979.)

## ACT 94

H.B. NO. 599

A Bill for an Act Relating to the Board of Registration of Professional Engineers, Architects, Surveyors and Landscape Architects.

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

SECTION 1. Section 464-10, Hawaii Revised Statutes, is amended to read:

**"Sec. 464-10 Suspension or revocation of certificates; hearings.** The board of registration of professional engineers, architects, and surveyors may revoke or suspend the certificate of registration of any person hereunder who is found guilty of any fraud or deceit in obtaining the certificate or of gross negligence, incompetency, or misconduct in the practice of his profession or who is convicted of violating this chapter or the rules or regulations of the board. Any person may prefer charges in writing with the secretary of the board against any person holding a certificate. In every case where it is proposed to revoke or suspend the certificate of registration, the board shall give the person concerned notice and hearing in conformity with chapter 91. The notice shall be given in writing by registered or certified mail with return receipt requested at least fifteen days before the hearing.

In all proceedings before it, the board and each member thereof shall have the same powers respecting administering oaths, compelling the attendance of witnesses and the production of documentary evidence, and examining witnesses, as are possessed by circuit courts. In case of disobedience by any person of any order of the

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

**ACT 95**

board, or of any member thereof, or of any subpoena issued by it, or by a member, or the refusal of any witness to testify to any matter regarding which he may be questioned lawfully, any circuit judge, on application by the board, or a member thereof, shall compel obedience as in the case of disobedience of the requirements of a subpoena issued by a circuit court, or a refusal to testify therein.”

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

(Approved May 19, 1979.)

**ACT 95**

H.B. NO. 1206

A Bill for an Act Relating to the Landlord-Tenant Code.

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

SECTION 1. Section 521-71, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) When the tenancy is month to month, the landlord or the tenant may terminate the rental agreement upon his notifying the other at least twenty-eight days in advance of the anticipated termination. Before a landlord terminates a month-to-month tenancy where he contemplates voluntary demolition of the dwelling units, or conversion to horizontal property regime under chapter 514A, he shall provide notice to the tenant at least ninety days in advance of the anticipated demolition or anticipated termination. If notice is revoked or amended and re-issued, the ninety day period shall begin from the date it was re-issued or amended.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 19, 1979.)

**ACT 96**

H.B. NO. 1674

A Bill for an Act Relating to Drugs.

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

SECTION 1. Section 328-16, Hawaii Revised Statutes, is amended by amending subsection (a) to read:

“(a) A drug intended for use by man which (1) is a habit-forming drug to which section 328-15(4) applies; or (2) because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to administer the drug; or (3) is limited by an approved application under section 505 of the Federal Act or section 328-17 to use under the professional supervision of a

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

practitioner licensed by law to administer the drug, shall be dispensed only (A) upon a written prescription of a practitioner licensed by law to administer the drug, or (B) upon an oral prescription of the practitioner, provided, the seller promptly records in his books the oral prescription in full, the kind, quantity of the drug, and directions for use, the date the oral prescription is received, the name of the seller, the name and code designation of the prescriber, and the name and address of the person for whom the drug is prescribed or the name of the owner of the animal for which the drug is prescribed, the department of health assigning such code designation to such subscriber, and such books being subject at all times to the inspection of the department or its agents, or (C) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist, and (D) its label bears the name and place of business of the seller, the serial number and date of the prescription, the name of the practitioner, the name, strength, and quantity issued of the drug, and the specific directions for use; provided that if the specific directions for use are too lengthy for inclusion on the label, the notation "take according to written instructions" may be used, if separate written instructions for use are actually issued with the drug, but in no event shall the notation "take as directed," referring to oral instructions, be considered acceptable. If any prescription for such drug does not indicate the times it may be refilled, if any, such prescription may not be refilled unless the pharmacist is subsequently authorized to do so by the practitioner. The act of dispensing a drug contrary to this subsection shall be deemed to be an act which results in a drug being misbranded while held for sale."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 21, 1979.)

## ACT 97

S.B. NO. 45

A Bill for an Act Relating to Official Languages (Constitutional Amendments of Article XV).

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

SECTION 1. **Purpose.** The purpose of this bill is to implement Article XV of the Constitution of the State of Hawaii as amended by the Hawaii Constitutional Convention of 1978 and pertaining to official languages of the state.

SECTION 2. Section 1-13, Hawaii Revised Statutes, is amended to read as follows:

**"Sec.1-13 Official languages.** English and Hawaiian are the official languages of Hawaii. Whenever there is found to exist any radical and irreconcilable

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.



**ACT 98**

difference between the English and Hawaiian version of any of the laws of the State, the English version shall be held binding. Hawaiian shall not be required for the public acts and transactions.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 22, 1979.)

**ACT 98**

S.B. NO. 182

A Bill for an Act Relating to Sentencing.

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

SECTION 1. Section 706-606.5, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 706-606.5 Sentencing of repeat offenders.** Notwithstanding section 706-669 and any other law to the contrary, any person convicted under section 707-701 relating to murder, 707-710 relating to assault in the first degree, 707-720 relating to kidnapping, 707-730 relating to rape in the first degree, 707-733 relating to sodomy in the first degree, 708-810 relating to burglary in the first degree, 708-840 relating to robbery in the first degree, 712-1241 relating to the promoting of a dangerous drug in the first degree, 712-1242 relating to the promoting of a dangerous drug in the second degree, or 712-1244 relating to the promoting of a harmful drug in the first degree, who has a prior conviction for any of the above enumerated offenses in this or another jurisdiction, within the time of the maximum sentence of the prior conviction, shall be sentenced for each conviction after the first conviction to a mandatory minimum period of imprisonment without possibility of parole during such period as follows:

(1) Second conviction—5 years;

(2) Third conviction—10 years.

The sentencing court may impose the above sentences consecutive to any other sentence then or previously imposed on the defendant.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 22, 1979.)

**ACT 99**

S.B. NO. 1373

A Bill for an Act Relating to the Department of Education: Making Supplementary Appropriations Out of General Revenues to Cover Certain Deficiencies for the Fiscal Year Ending June 30, 1979.

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

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

**SECTION 1. Findings and Purpose.** Act 10, Session Laws of Hawaii, 1977, First Special Session, appropriated certain designated sums to the department of education to provide educational services to the children in the public schools for the fiscal period beginning July 1, 1978 and ending June 30, 1979.

To the best of its ability, the department is trying to operate within the appropriated amounts for the the fiscal year 1978-1979. In trying to balance its budget, the department has gone so far as to impose a blanket freeze on the filling of new and vacant positions. But even with such extreme austerity controls, there are insufficient funds to pay for the salaries of all the positions authorized and needed.

To prevent a termination of vital education services, it is urgent that additional moneys be appropriated. The governor and the director of finance concur that there is a shortage and recommend this bill for immediate passage.

**SECTION 2. Appropriation.** In addition to the appropriations made for the same programs by any other act, the following sums, or so much thereof as may be necessary, are hereby appropriated to the department of education for the fiscal year 1978-1979, for the following programs from the state general fund:

EDN 105 Regular Instruction . . . . .	\$ 1,000,000
EDN 307 Physical Plant Operations and Maintenance . . . . .	\$ 500,000

**SECTION 3. Lapsing of Appropriation.** All unexpended and unencumbered balances of the appropriations made by this Act as of the close of business on June 30, 1979, shall lapse into the general fund of the State.

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

(Approved May 22, 1979.)

**ACT 100**

**H.B. NO. 3**

**A Bill for an Act Relating to the Relief of Certain Claims Against the State and Providing Appropriations Therefor.**

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

**SECTION 1.** The following sums of money are appropriated out of the general revenues of the State of Hawaii for the purpose of satisfying claims for legislative relief as to the following names of persons, firms, corporations and others for overpayment of taxes or on account of other claims for refunds, reimbursements, or other payments, against the State in the amount set opposite their names:

Section 37-77, Hawaii Revised Statutes.

	<b>Division</b>	<b>Amount</b>
<b>REFUND OF TAXES:</b>		
Lee, Gladys C. (Real Property)	Third	\$ 38.14
Sweeney, Francis J. and Marjorie C. (Real Property)	Third	151.37
Lee, Wa Fui (Real Property)	Third	89.42
Hovey, Howard C. (Real Property)	Third	26.83

**ACT 100**

	<b>Division</b>	<b>Amount</b>
Walsh, William M. and Mildred K. (Real Property)	Third	202.40
Miller, Barry D. (Real Property)	Third	205.21
Ama-Pro Sporting Goods of Hawaii, Inc.	Third	1,555.00
Will, Paul G. (Real Property)	First	182.90
Tongg Ranch Inc. (Real Property)	First	512.83
O'Brien, John T. and Ada Marie B. (Income)	First	4,001.00
Lau, Lambert L.B. (Real Property)	First	619.55
Canfield, Grant W. (Real Property)	First	624.98
Reyes, Rogelio Q. (Real Property)	First	939.24
Phillip E. Lyon et al./Kahala Mall (Real Property)	First	3,071.09
Matthews, Rudolph	First	22.22
Chapter 662, Hawaii Revised Statutes.		

**JUDGMENTS AGAINST THE STATE AND SETTLEMENT OF CLAIMS:**

Chapman, Pauline M.		
Civil No. 53835, First Circuit		
Date of Judgment: June 7, 1978		
Amount of Judgment:	\$ 2,000.00	
4% Interest:	91.84	\$ 2,091.84
Wedemeyer, Jesse		
Civil No. 1670, Fifth Circuit		
Date of Settlement: July 20, 1978		
Amount of Judgment:	12,500.00	
4% Interest:	515.07	13,015.07
Malm, Keith H.		
Civil No. 4723, Third Circuit		
Date of Judgment: May 30, 1978		
Amount of Judgment:	42,500.00	
4% Interest:	1,988.77	44,488.77
Fred L. Waldron, Limited		
Civil No. 47707, First Circuit		
Date of Judgment: September 14, 1978		
Amount of Judgment:	31,715.16	
4% Interest:	1,112.20	32,827.36
Takai, Mildred, Individually, Mildred Takai, in her capacity as Administratrix of the Estate of Wayne Harada, Deceased		
Civil No. 51241, First Circuit		
Date of Judgment: October 25, 1978		
Amount of Judgment:	20,000.00	
4% Interest:	611.51	20,611.51

Areal, Manuel, as next friend of Nelson Anthony Areal (Frances Q.F. Wong, attorney)		
Civil No. 54026, First Circuit		
Date of Dismissal: October 23, 1978		
Amount of Judgment:	4,000.00	
4% Interest:	123.18	4,123.18
Fukumoto, Thomas M.		
Civil No. 55441, First Circuit		
Date of Judgment: October 3, 1978		
Amount of Judgment:	2,500.00	
4% Interest:	82.47	2,582.47
Takahashi, Janet H. and Rex M.		
Civil No. 50318, First Circuit		
Date of Judgment: November 8, 1978		
Amount of Judgment:	12,500.00	
4% Interest:	363.01	12,863.01
Shockley, Larry J.		
Civil No. 52767, First Circuit		
Date of Judgment: November 14, 1978		
Amount of Judgment:	10,000.00	
4% Interest:	283.84	10,283.84
Davis, Leroy		
Civil No. 1524, Fifth Circuit		
Date of Dismissal: November 28, 1978		
Amount of Judgment:	12,500.00	
4% Interest:	335.62	12,835.62
Robb, Peter Edward, et al.		
Civil No. 47263, First Circuit		
Date of Judgment: November 2, 1978		
Amount of Judgment:	4,000.00	
4% Interest:	118.79	4,118.79
Lim, Hyun Ja Cho, individually and as Administratrix of the Estate of Kwang Jo Lim and Young Ja Lim and Sock Ho Lim, minors		
Civil No. 49062, First Circuit		
Date of Judgment: December 26, 1978		
Amount of Judgment:	40,000.00	
4% Interest:	951.23	40,951.23

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Obrey, Daffodil M., individually and as Prochein Ami for Kekumaielani M. Obrey, and her attorney, Donald H.C. Low		
Civil No. 52502, First Circuit		
Date of Judgment: December 18, 1978		
Amount of Judgment:	4,700.00	
4% Interest:	115.89	4,815.89
Chillingworth, Lester		
Civil No. 4340, Third Circuit		
Date of Judgment: January 26, 1979		
Amount of Judgment:	1,153.00	
4% Interest:	23.50	1,176.50
Paoa, George K. and Clothilda		
Civil No. 3089, Second Circuit		
Date of Judgment: November 21, 1978		
Amount of Judgment:	3,000.00	
4% Interest:	82.85	3,082.85
McNeely, Timothy B., a minor, by Sarah P. McNeeley, his next friend, and Sarah P. McNeeley		
Civil No. 49604, First Circuit		
Date of Judgment: October 17, 1978		
Amount of Judgment:	35,000.00	
4% Interest:	1,100.82	36,100.82
Emelda Leavitt, Elizabeth Mae Massirio and Frances Raine		
Civil No. 56798, First Circuit		
Date of Judgment: February 14, 1979		
Amount of Judgment:	15,000.00	
4% Interest:	274.52	15,274.52
Fong, Jeffrey S. C., a minor by Leonard K. K. Fong and Ellen Fong, as his next friends and individually		
Civil No. 48754, First Circuit		
Date of Judgment: February 15, 1979		
Amount of Judgment:	37,500.00	
4% Interest:	682.19	38,182.19
Lum, Evelyn, individually and as Prochein Ami of Jonathan Lum and Dorman Lum		
Civil No. 49399, First Circuit		
Date of Settlement: June 23, 1978		
Amount of Settlement:	125,000.00	
4% Interest:	5,520.55	130,520.55

Chung, Cyril		
Civil No. 57066, First Circuit		
Date of Judgment: February 23, 1979		
Amount of Judgment:	7,000.00	
4% Interest:	121.21	7,121.21
Larsen, Paul L.		
Civil No. 52356, First Circuit		
Date of Judgment: February 26, 1979		
Amount of Judgment:	3,750.00	
4% Interest:	63.70	3,813.70
Bekins Moving and Storage Co. of Hawaii, Inc.		
Civil No. 48005, First Circuit		
Date of Settlement: February 20, 1979		
Amount of Settlement:	10,000.00	
4% Interest:	176.44	10,176.44
Vrana, Linsfred L., as personal representative of the estate of Bruce Alan Vrana, Linsfred L. Vrana and Marjorie G. Vrana		
Civil No. 52243, First Circuit		
Date of Dismissal: March 9, 1979		
Amount of Dismissal:	5,000.00	
4% Interest:	78.90	5,078.90
Nelson, Steve		
Civil No. 52792, First Circuit		
Date of Dismissal: March 12, 1979		
Amount of Dismissal:	2,000.00	
4% Interest:	30.90	2,030.90
Anders, Dorothy		
Civil No. 42734, First Circuit		
Date of Judgment: February 8, 1979		
Amount of Judgment:	84,538.33	
4% Interest:	1,602.75	
Taxing Costs on Appeal approved by Supreme Court on March 8, 1979	177.32	86,318.40
Section 37-77, Hawaii Revised Statutes.		

## OUTLAWED WARRANTS AND ESCHEATED ACCOUNTS:

	Warrant No.	Amount
Department of Transportation Water Transportation Facilities Div.	B-001965	\$ 340,500.00
City and County of Honolulu Director of Finance	G-120829	30,115.52

	<b>Warrant No.</b>	<b>Amount</b>
City and County of Honolulu Honolulu Job Resource Center	G-255443	57,456.01
City and County of Honolulu Honolulu Job Resource Center	G-255444	2,465.85
City and County of Honolulu Honolulu Job Resource Center	G-271645	29,923.37
<b>MISCELLANEOUS CLAIMS:</b>		<b>Amount</b>
Lum, Mae Amy Reimbursement for loss of personal typewriter which was stolen in burglary of Kaiulani Elementary School. May 26, 1978		\$ 179.50
Nakamura, Roy Destruction of eyeglasses, shirt and trousers in restraining a student at Waianae Elementary School. September 18, 1978		130.00
Alconera, Garry Reimbursement for loss of personal property (skateboard equipment) in burglary at Keaau Community School Li- brary. March 14, 1978		277.44
Silva, Ralph Reimbursement for damage to wristwatch in restraining pa- tient at Hawaii State Hospital. June 15, 1978.		85.00

SECTION 2. The sums hereinabove appropriated shall be paid to the respective persons and in the several amounts hereinabove set out upon warrants issued by the comptroller of the State (1) upon vouchers approved by the director of the department of taxation as to claims for overpayment of taxes; and (2) upon voucher approved by the director of the department of budget and finance as to all other claims.

SECTION 3. Notwithstanding the sums hereinabove appropriated as interest upon judgments against the State and settlements of claims, payment of interest, at the rate of four per cent a year, shall be limited to the period from the date of judgment or court approval of the settlement to the effective date of this Act, as provided in section 662-8, Hawaii Revised Statutes, and all unexpended balances thereof after payment shall lapse into the general fund of the State.

SECTION 4. 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 5. This Act shall take effect upon its approval.

(Approved May 22, 1979.)

## ACT 101

H.B. NO. 4

A Bill for an Act Relating to the Compensation of Certain Persons Under the Criminal Injuries Compensation Act and Providing Appropriations Therefor.

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

SECTION 1. The following respective sums of money are hereby appropriated out of the general revenues of the State of Hawaii for the purpose of compensating the following named persons and providers of services pursuant to Chapter 351, Hawaii Revised Statutes, the Criminal Injuries Compensation Act, in the amounts set out opposite their respective names:

AANA, Donna	\$ 965.44
Case No. 77-205	
ABRIGANA, Taciana	2,442.96
Case No. 77-12	
ACADEMIA, Romulo	447.95
Case No. 77-54	
AGMATA, Victor Jr	75.00
Case No. 77-46 (Attorney for Alfredo Botacion)	
AGMATA, Victor Jr	75.00
Case No. 77-54 (Attorney for Romulo Academia)	
AGMATA, Victor Jr	200.00
Case No. 77-84 (Attorney for Robert Welborn)	
AGMATA, Victor Jr	25.00
Case No. 77-160 (Attorney for Venancio Topinio)	
AGOSTO, Ventura Jr	500.00
Case No. 77-281	
AH NEE, William Jr	712.85
Case No. 76-279	
AINA HAINA DENTAL GROUP INC	2,102.00
Case No. 78-14 (Dental Services)	
ALONZO, Johnny	3,627.72
Case No. 76-136	
APAU, Dr. Roberta	29.26
Case No. 76-279 (Medical Services)	
ASUI, Robert K. Jr	250.00
Case No. 76-237	
AU, Ronald	100.00
Case No. 76-203 (Attorney for Thomas Y.W. Wong)	
BAILEY, Rodney	545.00
Case No. 76-130	
BAKER, Willie	25.00
Case No. 76-261	
BALANZA, Ben	300.00
Case No. 76-255	
BALAURO, Manuel Sr	575.73
Case No. 78-159	
BALINONG, Warren	103.98
Case No. 77-276	
BARCLAY, George Jr	1,349.12
Case No. 77-133	
BATIS, Jerry	93.92
Case No. 77-275	



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BEITZ, Mary Case No. 76-91	900.00
BELCHER, Mark Case No. 76-8	75.00
BELL, Roy III Case No. 76-271 (Attorney for Michael Flanary)	35.00
BELL, Roy III Case No. 76-279 (Attorney for William Ah Nee Jr.)	175.00
BELL, Roy III Case No. 78-326 (Attorney for Gilbert Kapono)	70.00
BICOY, Bernaldo Case No. 77-173 (Attorney for Segundo Cabahog)	200.00
BLAIR, Sookja Case No. 78-225	2,223.68
BLUE, Edgar Case No. 76-277	30.00
BORTHWICK MORTUARY LTD Case No. 77-165 (Funeral Services)	797.80
BOTACION, Alfredo Case No. 77-46	563.98
BOTELHO, Beverly Case No. 78-138	250.00
BRODERICK, Dr. John Case No. 77-61 (Medical Services)	70.00
BROOKS, Christine Case No. 76-281	1,800.00
BUSHY, Diana Case No. 78-153	690.00
BUSTAMENTE, Neil Case No. 76-22	1,521.88
BUTLER, Edward Case No. 77-5	200.00
CABAHOG, Segundo Case No. 77-173	5,800.00
CABALIS, Terry Case No. 78-102	50.00
CABERTO, Benny Case No. 78-80	400.00
CARR, Frank Case No. 77-233	1,016.25
CASE, KAY, CLAUSE & LYNCH Case No. 77-142 (Attorney for Patricia Thompson)	200.00
CASEY, Michael Case No. 75-244	150.00
CASTLE MEMORIAL HOSPITAL Case No. 76-269 (Medical Services)	31.10
CASTLE MEMORIAL HOSPITAL Case No. 76-275 (Medical Services)	52.75
CASTLE MEMORIAL HOSPITAL Case No. 76-279 (Medical Services)	1,794.00
CASTRO, Olanda Case No. 77-150	35.00
CECCARELLI, Dr. Frank Case No. 76-279 (Medical Services)	322.00
CHASE, Erwin III Case No. 78-227	50.00

CHERNETSKY, Marilyn Case No. 75-178	25.00
CHIKUMA, Clement Case No. 76-282 (Medical Payment)	3,335.34
CHIKUMA, Sherrie Case No. 76-282	1,500.00
CLIETT, Patrick Case No. 77-182	415.80
COLE, Gregory Case No. 78-122	661.70
COLLOMB, Lisa Case No. 76-68	900.00
CONWAY, Michael Case No. 77-148	770.80
CORTADO, Pascual Case No. 77-162	8,759.60
CORTADO, Pascual Case No. 78-204	722.80
CROUCH, Josephine Case No. 77-147	1,800.00
CROWELL, Wayne Case No. 76-275	500.00
CROWTHER, Jesse Case No. 78-119	5.00
CROWTHER, Jesse Case No. 77-223	75.00
CRUZ, Alden Case No. 78-85	380.00
CUNNINGHAM, Frank Case No. 77-228	1,200.00
DAOANG, Zoilo Case No. 77-216	1,128.82
DAVIES MEDICAL CENTER Case No. 77-61	273.40
DeGUZMAN, Monsarrette Case No. 75-107	9,745.00
DE LONG, Edward Case No. 77-89	25.00
DE LONG, Robert Case No. 76-176	100.00
DE TURRIS, Frank J. Case No. 75-211	659.23
DHAENE, Linda Case No. 77-157	407.12
DIAS, Phyllis Case No. 77-237	25.00
DO, Dung Ahn Case No. 77-146	804.46
DOI, Sue Case No. 78-118	914.57
EASTLUND, Ruth Case No. 77-43	1,479.00
EIDE, Jerome Case No. 78-10	500.00
ELKINS, Jeff Case No. 77-212	250.00

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EMMSLEY, George IV Case No. 76-196	1,900.00
ENANORIA, Jay Case No. 78-40	2,774.35
FA, Sioeli Case No. 77-191	464.66
FERNANDEZ, Theresa Case No. 78-18	2,550.37
FERNANDO, Mila Case No. 78-232	50.00
FERRINGTON, Michael Case No. 78-85 (Attorney for Alden Cruz)	120.00
FILIPPINI, Dr. Frank Case No. 77-61 (Medical Services)	810.00
FLANARY, Michael Case No. 76-271	745.24
FONTANILLA, Marcelo Case No. 78-39	250.00
FRONK CLINIC-PEARLRIDGE Case No. 77-160	14.35
FYFFE, A. Edward Jr Case No. 77-268 (Attorney for Bobby G. Smith)	150.00
GAEDE, Harry Case No. 77-93 (Attorney for David Lyseng)	50.00
GANDAOLE, Dionicia Case No. 77-102	2,220.07
GINOZA, John Case No. 76-163	1,441.13
GIORGI, Dr. Louis Case No. 77-61 (Medical Services)	110.00
GLEASON, Joseph P. Case No. 76-99	175.00
G N WILCOX MEMORIAL HOSPITAL Case No. 77-275 (Medical Services)	270.90
G N WILCOX MEMORIAL HOSPITAL Case No. 77-287 (Medical Services)	26.65
G N WILCOX MEMORIAL HOSPITAL Case No. 78-34 (Medical Services)	121.35
G N WILCOX MEMORIAL HOSPITAL Case No. 78-80 (Medical Services)	492.55
G N WILCOX MEMORIAL HOSPITAL Case No. 78-121 (Medical Services)	652.85
G N WILCOX MEMORIAL HOSPITAL Case No. 78-221 (Medical Services)	29.00
GREGG, Douglas Case No. 78-120	125.00
GRIEP, Stephen Case No. 77-270	150.00
HANS, Lorna Case No. 76-120	300.00
HANSON, Jennifer Case No. 78-73	200.51
HANSON, TINA Case No. 78-274	520.00
HARFIELD, Patricia Case No. 77-69	2,222.73

HARGIS, Paul	25.00
Case No. 76-77	
HARRISON, Mark	350.00
Case No. 77-167	
HART, Brook	350.00
Case No. 77-100	
HASHIMOTO, Dorothy	1,899.27
Case No. 77-130	
HENDRICKS, Allen	60.00
Case No. 78-153 (Attorney for Diana Bushy)	
HENRY, Helen	1,800.00
Case No. 78-97	
HENSLEY, Gary	875.00
Case No. 77-44	
HIDANO, Beth	53.40
Case No. 78-163	
HILL, Robert	237.36
Case No. 78-37	
HOLLAND, Edward	1,000.00
Case No. 78-121	
HONOLULU MEDICAL GROUP INC	41.18
Case No. 76-140 (Medical Services)	
HOONAN, Robert	327.20
Case No. 78-109	
HOOVER, Ann	25.00
Case No. 76-62	
HORVATH, Janet	1,100.00
Case No. 78-221	
HOUGHTAILING, James	150.00
Case No. 75-120	
HUNT, Clifford B.	50.00
Case No. 74-85	
IBARRA, Rhonnie	50.00
Case No. 76-276	
ILAE, Robert A.	10,000.00
Case No. 75-73	
JARDINE, David Jr	3,366.00
Case No. 78-92	
JOHNSON, Andrew	250.00
Case No. 77-169 (Attorney for Annette Lobner)	
JOHNSON, Robert	193.90
Case No. 77-113	
JONES, Dr. Michael	986.48
Case No. 78-85 (Medical Services)	
JUAN, Elroy	200.00
Case No. 77-285	
JUAN, Erenio	50.00
Case No. 77-21	
JUSTMAN, Robert	851.47
Case No. 76-225	
KAALEKAHI, Charles Sr	1,000.00
Case No. 74-59	
KAIALAU, Robert Jr	619.95
Case No. 76-53	
KAISER MEDICAL CENTER	83.73
Case No. 77-10 (Medical Services)	

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KAISER MEDICAL CENTER	42.88
Case No. 77-36 (Medical Services)	
KAISER MEDICAL CENTER	590.98
Case No. 77-126 (Medical Services)	
KAM, Wallace Y.F.	239.31
Case No. 77-253	
KAMEI, Daiichi	100.00
Case No. 77-246	
KANE, Michael	350.00
Case No. 76-133	
KAPANA, Leighton	763.32
Case No. 77-249	
KAPONO, Gilbert	570.21
Case No. 78-326	
KAUAI MEDICAL GROUP INC	43.53
Case No. 78-34 (Medical Services)	
KAUAI MEDICAL GROUP INC	731.55
Case No. 78-121 (Medical Services)	
KAUAI MEDICAL GROUP INC	69.00
Case No. 78-129 (Medical Services)	
KAUAI MEDICAL GROUP INC	6.04
Case No. 78-159 (Medical Services)	
KAUAI VETERANS MEMORIAL HOSPITAL	177.20
Case No. 78-159 (Medical Services)	
KEENAN, Michael	1,000.00
Case No. 75-149	
KELLEY, Miriam	1,754.86
Case No. 77-36	
KERAWA, Michael	110.00
Case No. 78-129	
KIM, Chang Bong	25.00
Case No. 77-244	
KIM, Eric	30.40
Case No. 77-282	
KIM, Frank	50.00
Case No. 77-146 (Attorney for Dung Ahn Do)	
KING, Jean	2,521.71
Case No. 77-61	
KOBAYASHI, Tomoko	1,478.69
Case No. 78-152	
KUBO, Dr. Winfred	707.20
Case No. 76-275 (Medical Services)	
KUAKINI MEDICAL CENTER	130.50
Case No. 76-64 (Medical Services)	
KUAPAHI, Linda	250.00
Case No. 76-140	
LARIMER, John	602.68
Case No. 77-144	
LAU, Albert	359.04
Case No. 78-61	
LAU, Dianne	251.48
Case No. 76-145	
LAZARONI LABORATORIES	26.50
Case No. 77-61 (Medical Services)	
LEDWARD, Alison	8,582.63
Case No. 75-15	

LEE, Robert W. Y. Jr Case No. 76-256	125.00
LENELL, Meredith Case No. 78-120 (Attorney for Douglas Gregg)	25.00
LENNON, John Jr Case No. 77-126	6,283.78
LINCOLN, Francis Case No. 76-132	150.00
LINDIG, E.A. Case No. 75-239	780.57
LOBNER, Annette Case No. 77-169	1,250.00
LOGAN, Douglas Case No. 76-126	928.58
LOOMIS, Cheryl Case No. 77-172	87.44
LORENZO, Lawrence Case No. 78-76	50.00
LUM, Edmund Case No. 78-106	152.94
LYSENG, David Case No. 77-93	700.00
MAAE, Faipule Case No. 75-159	1,475.00
MANALO, Theresa Case No. 76-75	1,000.00
MANISCALCO, Dr. Joseph Case No. 77-61 (Medical Services)	559.00
MANUEL, Jacinto Case No. 77-290	500.00
MARLOW, Rae Case No. 78-14	105.00
MARTIN, Jon Case No. 77-127	250.00
MARTIN, Pedro Case No. 76-239	771.38
MATSUDA, Dorothy Case No. 76-230	400.00
MEDICAL ANESTHESIA INC Case No. 77-10 (Medical Services)	187.20
MERRILES, Lucille Case No. 78-98	50.00
MIHA, John Case No. 76-18	573.50
MINTEER, Anita Case No. 77-166	1,400.00
MIRANDA, Ernest F. Jr Case No. 76-9	1,736.67
MIYASHIRO, Hiroshi Case No. 76-49	926.66
MIYOSHI, Stella Case No. 78-4	392.16
MOEAUEAUE, Lolani Case No. 78-69	50.00
MORIMOTO, Dr. Richard Case No. 76-275 (Medical Services)	1,129.00

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MORREIRA, Raphael Jr Case No. 77-219	3,946.85
MORRIS, Leslie Case No. 78-71	800.00
MORRIS, Sara Case No. 78-72	100.00
MOW, Rose Case No. 77-165	250.00
NAKAMURA, Hideki Case No. 77-162 (Attorney for Pascual Cortado)	300.00
NAKAMURA, Randall Case No. 76-155	250.00
NAKASATO, Susan Case No. 77-124	75.00
NEFF, Walter Case No. 76-224	50.00
NELSON, Gordon Case No. 76-225 (Attorney for Robert Justman)	35.00
NORQUIST, James Case No. 77-233 (Attorney for Frank Carr)	100.00
NUUANU MEMORIAL PARK MORTUARY Case No. 76-209 (Funeral Services)	881.98
ORNELLAS, Geraldine Case No. 77-187	10.00
ORTHOPEDIC ASSOCIATES OF HAWAII INC Case No. 77-10	597.06
ORTIZ, David Case No. 77-220	179.70
OSHIRO, Dr. Hideo Case No. 77-54 (Medical Services)	260.09
OSTRENGA, Johanna Case No. 76-51	1,754.16
OSTROWSKI, Maurycy Case No. 77-135	250.00
OTA, Jeanette Case No. 76-209	910.00
OTA, Shizue Case No. 78-230	1,925.05
PANETO, Lorraine Case No. 76-10	1,247.00
PANGANIBAN, Melendrita Case No. 75-100	1,375.00
PEARLRIDGE HOSPITAL Case No. 77-160 (Medical Services)	101.60
PEBRIA, Samson Case No. 77-81	250.00
PERLMUTTER, G. Jack Case No. 76-244	50.00
PERREIRA, Irene Case No. 77-177	9,520.00
PERREIRA, Wesley Case No. 78-99	1,311.73
PINAO, Dolores Case No. 76-268	593.34
QUEEN'S MEDICAL CENTER Case No. 75-149 (Medical Services)	872.00

QUEEN'S MEDICAL CENTER	948.00
Case No. 76-140 (Medical Services)	
QUEEN'S MEDICAL CENTER	68.55
Case No. 78-69 (Medical Services)	
RATHBURN, Mark	100.00
Case No. 78-53	
RAYBUCK, Charles B. Jr	350.00
Case No. 77-86	
REGO, Anson	175.00
Case No. 76-53 (Attorney for Robert Kaialau)	
REGO, Anson	100.00
Case No. 76-196 (Attorney for George Emmsley IV)	
REYES, Raymond Sr	200.00
Case No. 78-214	
RINGOR, Casey	150.00
Case No. 77-277	
RODD, Charles	230.30
Case No. 78-11	
RODRIGUES, Violet R.	1,600.85
Case No. 77-11	
ROMERO, Calixto	1,000.00
Case No. 77-294	
ROSEHILL, Roberta	150.00
Case No. 77-231	
ROUFBERGH, Winifred	5,105.00
Case No. 77-153	
RUIZ, Daniel	500.00
Case No. 77-156	
RUSSELL, Pamela	1,170.00
Case No. 77-166 (Medical Services)	
ST. FRANCIS HOSPITAL	1,324.86
Case No. 77-10 (Medical Services)	
SALLING, Michael	100.00
Case No. 78-221 (Attorney for Janet Horvath)	
SANDBERG, Dr. Floyd	70.00
Case No. 77-61 (Dental Services)	
SANDERS, Harold	979.33
Case No. 77-258	
SAN FRANCISCO NEUROLOGICAL GROUP INC	75.00
Case No. 77-61 (Medical Services)	
SANTIAGO, Jonathan	50.00
Case No. 78-41	
SANTOS, Wesley Jr	150.00
Case No. 77-256	
SASAOKA, Raymond	1,250.00
Case No. 78-148	
SCHULTE, Mary	1,067.06
Case No. 76-198	
SCHUTTER, O'BRIEN & WEINBERG	200.00
Case No. 76-281 (Attorney for Christine Brooks)	
SEVERNS, Robert	50.00
Case No. 77-247	
SHARPE, Alan	106.01
Case No. 78-33	
SHAW, Warren	100.00
Case No. 77-108	



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SHIGEZAWA, Fusae Case No. 76-222	25.00
SHINSEKI, Howard Case No. 78-113	150.00
SHOWKEIR, Craig Case No. 76-58	2,000.00
SINGER, Lucille Case No. 78-222	100.00
SMITH, Bobby Case No. 77-268	1,145.00
SMITH, Robert L. Case No. 77-44 (Attorney for Gary Hensley)	125.00
SMITH, Ruth Case No. 78-221 (Medical Services)	35.00
SNOW, Lawrence Case No. 78-64	250.00
SPANGLER, Randy Case No. 74-98	2,009.91
SPARKS, Keith Case No. 78-26	50.00
STEWART, Olga Case No. 77-90	6,312.50
STINSON, Katherine Case No. 75-27	922.20
STONE, Thomas K. III Case No. 72-182	300.00
STRAUB CLINIC & HOSPITAL INC Case No. 76-237 (Medical Services)	1,028.75
STRAUB CLINIC & HOSPITAL INC Case No. 76-36 (Medical Services)	1,020.05
STRAUB CLINIC & HOSPITAL INC Case No. 77-142 (Medical Services)	787.89
STRAUB CLINIC & HOSPITAL INC Case No. 77-160 (Medical Services)	79.06
SUN, Sah II Case No. 76-164	255.00
TAKEO, Chong C. Case No. 75-242	440.70
TERNA, Dr. C. James Case No. 77-142 (Dental Services)	37.44
TERR, Dr. Lenore Case No. 77-61 (Medical Services)	150.00
THE EMERGENCY GROUP Case No. 76-140 (Medical Services)	123.24
THOMPSON, Noel Case No. 77-245	358.50
THOMPSON, Patricia Case No. 77-142	800.00
TOGASHI, Terry Case No. 78-15	745.55
TOKAIRIN, Bert Case No. 76-68 (Attorney for Lisa Collomb)	100.00
TOKAIRIN, Bert Case No. 76-91 (Attorney for Mary Beitz)	100.00
TOM, Carl Case No. 77-177 (Attorney for Irene Perreira)	225.00

TOM, Terrance	100.00
Case No. 75-15 (Attorney for Alison Ledward)	
TOMASA, Satoshi	608.30
Case No. 76-146	
TONGG, Michael	100.00
Case No. 77-10 (Attorney for Lopaka Young)	
TOPINIO, Venancio	175.00
Case No. 77-160	
TROCKMAN, Dr. Richard	468.00
Case No. 77-84 (Medical Services)	
TUCKER, Marvin	51.67
Case No. 76-269	
TULUA, Malama	150.00
Case No. 77-190	
TYAU, Ricki	295.85
Case No. 77-180	
UELAND, Elizabeth	1,221.00
Case No. 77-287	
VAETH, Howard	50.00
Case No. 76-64	
VAIL, John	35.00
Case No. 77-219 (Attorney for Raphael Morreira Jr)	
VENNERI, Frank	50.00
Case No. 77-114	
VIERRA, Vicki	150.00
Case No. 78-216	
WAHIAWA GENERAL HOSPITAL	147.00
Case No. 77-182 (Medical Services)	
WAHINEPIO, Alani	4,148.81
Case No. 77-74	
WAIMEA CLINIC INC	513.85
Case No. 78-159 (Medical Services)	
WALKER, Lorene	500.00
Case No. 76-166	
WARD, Daniel	100.00
Case No. 78-34	
WARD, Melissa	187.50
Case No. 77-273	
WEER, Sara L.	1,000.00
Case No. 76-110	
WELBORN, Robert	1,955.65
Case No. 77-84	
WEXLER, David	137.19
Case No. 77-217	
WHITCOME, Burchard	1,006.24
Case No. 76-201	
WHITEHEAD, Yvonne	2,087.80
Case No. 76-119	
WILLIAMS, Norma	105.00
Case No. 76-65	
WITHERSPOON, Stanley	50.00
Case No. 78-110	
WITHERWAX, Charles	150.00
Case No. 77-166 (Attorney for Anita Minter)	
WONG, David	350.00
Case No. 76-226	

## ACT 102

WONG, Thomas Y. W. Case No. 76-203	1,900.00
WOODARD, Julian Case No. 75-210	352.00
YOSHIOKA, Dr. Dan Case No. 77-44 (Medical Services)	180.96
YOUNG, Lisa Case No. 76-61	1,929.64
YOUNG, Lopaka Case No. 77-10	557.34

SECTION 2. The sums appropriated in Section 1 of this Act shall be deposited into the Criminal Injuries Compensation Fund to be used for payments by the Criminal Injuries Compensation Commission.

SECTION 3. All unexpended and unencumbered balances of the appropriations made by this Act as of the close of business on June 30, 1980 shall lapse into the general fund of the State.

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

(Approved May 22, 1979.)

## ACT 102

H.B. NO. 1449

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 by amending subsection (b) to read as follows:

“(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 the union or association and the device has been registered pursuant to sections 482-2 and 482-3, then it shall be unlawful for any person to adopt, print, distribute, or otherwise use the device or one so similar as to be confused therewith, and the director of regulatory agencies shall not register any such similar device. Any person found to be in violation of this subsection may, in addition to any other penalty assessed or otherwise imposed by law, be required to pay all costs and attorney’s fees incurred in seeking enforcement of this subsection, and may be ordered by the court to pay damages to the bona fide labor union or association of employees involved in such amount as may be determined by the court; provided that the damages ordered shall not be less than \$250 nor more than \$5,000.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

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

(Approved May 22, 1979.)

## ACT 103

H.B. NO. 1695

A Bill for an Act Relating to the Establishment of a Centennial Commission on Scandinavians Coming to Hawaii.

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

**SECTION 1. Creation of Centennial Commission.** There shall be established a commission to be known as the "Scandinavian Centennial Commission" which shall have charge of all arrangements for the commemoration of the 100th anniversary of the arrival of the first large group of Scandinavians to Hawaii.

The commission shall be placed in the department of budget and finance. It shall not continue beyond December 31, 1981.

**SECTION 2. Membership, compensation.** The commission shall consist of eleven members who shall be appointed by the governor. Four of the members shall represent the four county governments, five shall represent the Scandinavian community at large, including at least one each from the Norwegian, Swedish and Danish communities, one shall represent the state government and one shall represent the business community. The governor shall designate the chairman of the commission. The members shall receive no compensation for their services but shall be reimbursed for travel and other necessary expenses in the performance of their duties. Only those funds described in Section 5 of this Act shall be used for such reimbursements.

**SECTION 3. Powers and duties.** The commission shall prepare an overall program to celebrate the 100th, or centennial anniversary of the coming to Hawaii of the Scandinavians and shall plan, encourage, develop and coordinate program activities of the celebration. In preparing its plans and programs, the commission shall consider any related plans and programs developed by non-government organizations of the Scandinavian community and any other interested private and public organizations or agencies from whose members the commission may designate special committees to plan, develop and coordinate specific projects or activities.

The commission shall submit to the governor a comprehensive report for the 100th anniversary celebration. The report may recommend activities such as, but not limited to:

- (1) The production, publication and distribution of books, films and other educational materials on the life and experiences of Scandinavians in Hawaii;
- (2) Identify Hawaii resident descendants of the first immigrants.
- (3) Conferences, convocations, lectures and seminars relating to Scandinavians in Hawaii;
- (4) Ceremonies and celebration commemorating the special event;
- (5) Cultural and business exchanges with the Scandinavian countries, in particular with Drammen, Norway, during the centennial year of 1981.

**SECTION 4. Cooperation.** In fulfilling its responsibilities, the commission shall consult, cooperate with and seek advice from the Scandinavian clubs and organizations of Hawaii, the honorary consuls to Hawaii from the countries of Norway, Sweden and Denmark, and other appropriate organizations or agencies.

**SECTION 5. Funds and donations.** The commission may seek grants from public and private sources and may accept donations to finance the projects, programs and activities of the Centennial Commission celebration. All moneys received by the commission shall be deposited with the director of budget and finance and shall be appropriated to the commission. Disbursement of such moneys shall be by state warrants issued in accordance with applicable laws and regulations and shall be based on vouchers signed by the chairman of the commission.

All property acquired by the commission shall be deposited for preservation in the state library system, museums and public archives or shall otherwise be disposed of as directed by the commission.

**SECTION 6. Annual reports.** The commission shall submit to the governor an annual report of all activities, including an accounting of all moneys received and disbursed.

**SECTION 7.** This Act shall take effect upon its approval.  
(Approved May 22, 1979.)

**ACT 104**

S.B. NO. 181

A Bill for an Act Relating to Criminal Prosecution.

*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  
CAREER CRIMINALS**

**Sec. -1 Findings and purpose.** The legislature finds that a substantial and disproportionate amount of serious crime is committed against the people by a relatively small number of multiple and repeat felony offenders, commonly known as career criminals. In enacting this chapter, the legislature intends to support increased efforts by prosecuting attorneys’ offices to prosecute career criminals through organizational and operational techniques that have been proven effective in selected counties in other states.

**Sec. -2 Career criminal prosecution program.** (a) There shall be established a career criminal prosecution program, whose purpose shall be the investigation and prosecution of those persons identified as habitual or career criminals.

(b) The office of the attorney general shall administer the program, and develop a plan of financial and technical assistance for prosecuting attorneys’ offices. The attorney general shall direct the program and may allocate and award funds to coun-

ties in which career criminal prosecution units are established in substantial compliance with the policies and criteria established by the attorney general. The establishment of these policies and criteria shall not be subject to chapter 91, but the criteria shall be based on the general definition in section -3.

**Sec. -3 Persons subject to career criminal prosecution efforts.** An individual shall be the subject of career criminal prosecution efforts who:

- (1) Has had two or more felony convictions within the last five years.
- (2) Has had three or more felony arrests within the last three years.
- (3) Has had one or more felony and two or more misdemeanor convictions and/or arrests within the last three years.  
Misdemeanors will be limited to prostitution, theft II and place to keep firearm.
- (4) Has had three or more misdemeanor convictions and/or arrests within the last three years.
- (5) Is convicted and/or arrested for the offense of "felon in possession of a firearm" within the last five years.
- (6) Is on parole.
- (7) Is on probation.
- (8) Is on bond awaiting an appeal.
- (9) Is on bond awaiting trial.
- (10) Is known or suspected to be an associate of organized crime.
- (11) Is known or suspected of criminal activity.
- (12) Has no adult record but who has an extensive juvenile record;
- (13) Is a juvenile with an extensive record who has been waived to the circuit court for trial."

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

(Approved May 25, 1979.)

## ACT 105

H.B. NO. 1140

A Bill for an Act Relating to Statutory Revision; Amending or Repealing Various Provisions of the Hawaii Revised Statutes for the Purpose of Correcting Errors, Clarifying Language, Correcting References, and Deleting Obsolete or Unnecessary Provisions.

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

SECTION 1. Section 1-27, Hawaii Revised Statutes, is amended to read:

**"Sec. 1-27 Citations of laws included in supplements[.] and replacement volumes.** Any act of the legislature may be cited in any subsequent legislative act or in any other proceeding by reference to the chapter or section numbers as set forth in the [supplement] supplements and replacement volumes published pursuant to sections [2-5 and 2-6.] 23G-14 to 23G-16."

SECTION 2. Section 21-17, Hawaii Revised Statutes, is amended to read:

**“Sec. 21-17 Sergeants-at-arms; powers and duties.** The sergeant-at-arms of each house of the legislature, and each of his deputies appointed by authority of such house, shall:

- (1) Attend such house during its sittings;
- (2) Maintain order under the direction of the speaker, president, or other presiding officer of such house;
- (3) Under the direction of the clerk of such house, execute the commands of such house and all processes issued by authority thereof, directed to him by the speaker, president, or other presiding officer of such house, or by the chairman or acting chairman of any joint committee established by a concurrent resolution of the two houses of the legislature, or by the chairman or acting chairman of any committee of either house. In such connection the sergeant-at-arms and each of his deputies shall have all the powers and authority of a sheriff appointed under chapter [28.] 601.”

SECTION 3. Section 26H-4, Hawaii Revised Statutes, is amended by amending subsection (f) to read:

“(f) The following chapters are hereby repealed effective December 31, 1983:

- (1) Chapter 444 (Contractors License Board)
- (2) Chapter 448 (Board of Dental Examiners)
- (3) Chapter 453 (Board of Medical Examiners)
- (4) Chapter 457 (Board of Nursing)
- (5) Chapter 460 (Board of Osteopathic Examiners)
- (6) Chapter 460J (Pest Control Board)
- [~~(6)~~] (~~7~~) Chapter 461 (Board of Pharmacy)”

SECTION 4. Section 28-5.1, Hawaii Revised Statutes, is repealed.

[“Sec. 28-5.1 Review of personal history statements. The attorney general may, on a confidential basis, receive and review personal history statements submitted to the department of personnel services as provided for in section 85-10.”]

SECTION 5. Section 46-6, Hawaii Revised Statutes, is amended by amending subsection (b) to read:

“(b) In lieu of providing land in perpetuity or dedicating land, the ordinances may permit a subdivider pursuant to terms and conditions set forth therein to:

- (1) Pay to the county a sum of money equal to the value of land [and facilities] he would otherwise have had to provide or dedicate;
- (2) Combine the payment of money with land to be provided or dedicated, the total value of such combination being not less than the total value of the land he would otherwise have had to provide or dedicate.

The method of valuation of land where money payments are made shall be prescribed by the ordinances. The ordinances shall also provide that such money shall be used for the purpose of providing parks and playgrounds for the use of purchasers or occupants of lots or units in the subdivision.”

SECTION 6. Section 48E-6, Hawaii Revised Statutes, is amended to read:

**“Sec. 48E-6 Project revenue bonds.** [(a)] All revenue bonds issued under this chapter shall be issued pursuant to the applicable provisions of chapter 49 except that:

- (1) No specific act or acts of the legislature shall be required for the authorization or issuance of the revenue bonds or the amount thereof, and this chapter shall constitute complete authority for such authorization, issuance, or amount.
- (2) The revenue bonds shall be payable solely from the revenues or other income derived by the political subdivision from the pollution control project for which these bonds are issued, including any payments made to the political subdivision under the project agreement or other agreements entered into with respect to the project, and shall be secured solely by these revenues and any encumbrance, mortgage, or lien granted in a pollution control project with respect to the bonds.
- (3) The final maturity date of such revenue bonds may be any date not exceeding twenty-five years from the date of such bonds; provided that such final maturity date shall not exceed the period or term of the project agreement, exclusive of any renewal or extension thereof.
- (4) The political subdivision, in determining the cost of any pollution control project, may include:
  - (A) Financing charges;
  - (B) Fees and expenses of any trustee and paying agents for these revenue bonds;
  - (C) Interest on the revenue bonds, and the expenses of the political subdivision related to such revenue bonds and the pollution control project to be financed therefrom, accruing or incurred prior to and during the period of construction and for a period not exceeding six months thereafter;
  - (D) Amount necessary to establish or increase reserves for the revenue bonds;
  - (E) The cost of plans, specifications, studies, surveys, estimates of cost and of revenues;
  - (F) Other expenses incidental to determining the feasibility of the pollution control project;
  - (G) Administrative expenses;
  - (H) Interest cost incurred by the project party for the project prior to the issuance of the revenue bonds; and
  - (I) Such other costs, commissions, and expenses incidental to the construction, acquisition, reconstruction, renovation, rehabilitation, improvement, betterment, or extension of the pollution control project, the financing thereof, placing the project in operation, and the issuance of the revenue bonds, whether incurred prior to or after the issuance of such bonds.
- (5) If deemed necessary or advisable, the director may appoint a national or state bank or trust company within or without the State to serve as trustee for the holders of the revenue bonds and may enter into a trust indenture, trust agreement, ~~[[or indenture of mortgage]]~~ or indenture of mortgage with such trustee. The trustee may be authorized to receive and receipt for, hold, and administer the proceeds of the revenue bonds issued for the pollution control project and to apply the proceeds to the purposes for



which such bonds are issued, or to receive and receipt for, hold, and administer the revenues and other receipts derived from the pollution control project and to apply these revenues and receipts to the payment of the principal, or interest on such revenue bonds, or both. In the event that the trustee is appointed, any trust indenture, trust agreement, or indenture of mortgage entered into with the trustee may contain any covenants and provisions authorized by this chapter as deemed necessary by the director for the purposes of this chapter, and these covenants or provisions need not be included in a resolution adopted or certificate issued under this chapter. Any resolution, certificate, trust indenture, trust agreement, [[or indenture of mortgage]] or indenture of mortgage adopted, issued, or entered into pursuant to this chapter may also contain any provisions required for the qualification thereof under the United States Trust Indenture Act of 1939 or deemed necessary or desirable by the director for the security and protection of the holders of the revenue bonds or to carry out the purposes of this chapter. The director may pledge and assign to the trustee the project agreement and other agreements related thereto and the rights of the director thereunder, including the rights to revenues and receipts, and may grant a mortgage on the interest of the pollution control project to the trustee for the benefit of the holders of such revenue bonds.

- (6) If the director of finance appoints a trustee for the holders of the revenue bonds, the director may elect not to serve as fiscal agent for the payment of the principal and interest, and for the purchase, registration, transfer, exchange, and redemption, of the revenue bonds, or may elect to limit the functions the director performs as such fiscal agent. The director may appoint the trustee to serve as the fiscal agent, and may authorize and empower the trustee to perform such functions with respect to such payment, purchase, registration, transfer, exchange, and redemption, as the director deems necessary, advisable, or expedient, including, without limitation, the holding of the revenue bonds and coupons which have been paid and the supervision and conduction or the destruction thereof.
- (7) The resolution, certificate, trust indenture, trust agreement, or indenture of mortgage may also contain provisions deemed necessary or desirable by the director relating to:
  - (A) The investment of the proceeds of the revenue bonds, the investment of any reserve for such bonds, and the investment of the revenues and receipts of the project and the use and application of the earnings from such investments; and
  - (B) The terms and conditions upon which all or some of the holders of the revenue bonds or any trustee therefor may institute proceedings for the foreclosure of any mortgage granted to secure the payment of such bonds and the use and application of the moneys derived from such foreclosure.
- (8) The resolution, certificate, trust indenture, trust agreement, or indenture of mortgage may also contain such provisions as deemed necessary or desirable by the director in order to obtain or permit the participation of the federal government in the pollution control project or in the financing of the

costs thereof, including, without limitation, costs of construction, operation, maintenance, and repair, whether such participation is in the form of grants, interest subsidies, or otherwise.

- (9) If a trustee is not appointed to collect, hold, and administer the proceeds of the revenue bonds or the revenues and receipts derived by the political subdivision from the pollution control project for which such revenue bonds are issued, these proceeds or revenues and receipts, as the case may be, shall be held in a separate account in the treasury of the political subdivision, to be applied solely to the carrying out of the resolution, certificate, trust indenture, trust agreement, or indenture of mortgage authorizing or securing such revenue bonds. This section or any other law to the contrary notwithstanding, the proceeds of each issue of revenue bonds and any and all revenues and other receipts from any project party for the operation, use, and occupancy of the pollution control project shall be maintained in separate funds by an appointed trustee or in the treasury of the political subdivision. Such proceeds shall be used to pay the costs of such pollution control project, and such revenues and receipts shall be used to provide for payment of the principal, premium, if any, and interest on the revenue bonds, the cost of operation and the maintenance and repair of the project, any reserves therefor, and for such other purposes, within the jurisdiction, powers, duties, and functions of the political subdivision as shall have been covenanted in any resolution or certificate of the political subdivision providing for the issuance of such revenue bonds.
- (10) Proceeds of such revenue bonds may be used and applied to reimburse the director, the project party, or other user of the pollution control project for all costs of the pollution control project incurred prior to or after the issuance of the revenue bonds.”

SECTION 7. Section 49-1, Hawaii Revised Statutes, is amended to read:

“**Sec. 49-1 Definitions.** Whenever used in this chapter, unless a different meaning clearly appears from the context:

The term “undertaking” means any one or combination of two or more of the following — water, sewerage, gas or electric, heat, light or power works, plants, and systems, together with all parts thereof and appurtenances thereto, including, but not limited to, supply and distribution systems, reservoirs, dams, sewage treatment and disposal works, and generating plants. The term “undertaking” also means [the Honolulu public off-street parking facilities project as defined in section 70-112 and] the public off-street parking facilities as defined in section [66-6.] 56-1.

The term “municipality” embraces the city and county of Honolulu and the other counties of the State, the board of water supply of the city and county of Honolulu, and the boards of water supply of the other counties of the State.

The term [“government body”] “governing body” includes councils, bodies, and boards, by whatsoever names they may be known, having charge of the finances of a municipality.”

SECTION 8. Section 53-22, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) The governor shall submit to the legislature at each regular session[,] in an odd-numbered year, estimates of the amount reasonably required in his judgment for administrative expenses and overhead of agencies concerned with the administration of this part, together with other amounts deemed necessary by him for state contributions for redevelopment projects, for the succeeding fiscal [period,] biennium, so that the legislature may [take] make appropriations therefor if it deems the action advisable.”

2. By amending subsection (e) to read:

“(e) The governor shall submit to the legislature at each regular session[,] in an odd-numbered year, estimates of the amount of additional appropriation necessary in his judgment for the use of the Hawaii housing authority for the succeeding fiscal [period,] biennium, in providing living facilities necessary to care for families displaced or to be displaced by redevelopment projects and which are eligible to become tenants in public housing projects, so that the legislature may make appropriations therefor if it deems the action advisable.”

SECTION 9. Section 84-31.5, Hawaii Revised Statutes, is amended to read:

“**Sec. 84-31.5 List of persons examining records.** The [State] state ethics commission shall establish and maintain a list of all persons who examine the financial disclosure statements of any person enumerated in section [84-17(g).] 84-17(d). Such list shall specify the name of the person examining the record, the name of the person whose record was examined and the date of examination. Such list shall be confidential; provided that the commission shall notify the person whose financial disclosure statement was examined of the name of the person who examined the financial disclosure statement. The [State] state ethics commission may adopt rules pursuant to chapter 91 to implement this section.”

SECTION 10. Section 125C-4, Hawaii Revised Statutes, is amended to read:

“**Sec. 125C-4 Promulgation, filing, and taking effect of rules.** Upon the occurrence of a shortage, the governor may proceed without prior notice or hearing or upon such abbreviated notice and hearing as he finds practicable to adopt rules authorized under this chapter to be effective for a period of not longer than one hundred twenty days without renewal. To be effective after the one-hundred-twenty-day period, such rules must be adopted pursuant to chapter 91. Each rule adopted, amended, or repealed shall become effective as adopted, amended, or repealed upon approval by the governor and filing with the lieutenant governor. Each rule in effect shall have force and effect of law, but the effect of each rule may be temporarily or indefinitely suspended by the governor by written declaration filed with the lieutenant governor. Each rule temporarily suspended shall take effect again immediately upon expiration of the suspension period. Each rule indefinitely suspended shall take effect immediately upon the filing with the lieutenant governor of the written declaration by the governor terminating the suspension.”

SECTION 11. Section 128-9, Hawaii Revised Statutes, is amended to read:

“**Sec. 128-9 Emergency functions.** The governor shall have the following further emergency functions and powers, irrespective of the existence of a civil defense emergency period:

- (1) Prevention of hoarding, waste, etc. To the extent necessary to prevent hoarding, waste, or destruction of materials, supplies, commodities, accommodations, facilities, and services, to effectuate equitable distribution thereof, or to establish priorities therein as the public welfare may require, to investigate, and any other law to the contrary notwithstanding, to regulate or prohibit, by means of licensing, rationing, or otherwise, the storage, transportation, use, possession, maintenance, furnishing, sale, or distribution thereof, and any business or any transaction related thereto.
- (2) Daylight saving time. To provide for greater productive effort by instituting daylight saving time.
- (3) Hours of business. To suspend any law, or provision having the force and effect of law, as to opening and closing hours of business and substitute other hours.
- (4) Continuity of service. To assure the continuity of service by public utilities and other facilities, both publicly and privately owned, by regulating or, if necessary to the continuation of the service thereof, by taking over and operating the same.
- (5) Further provisions for greater productive effort. To fix or revise the hours of government business, and to suspend [sections 8-1 to 8-4] section 8-1, relating to state holidays, except the last [two paragraphs of section 8-1] paragraph which shall remain unaffected, and in the event of the suspension the governor may establish state holidays by proclamation.
- (6) Election hours. To adjust the hours for voting to take into consideration the working hours of the voters during the national emergency and other emergency conditions, and for the purpose to suspend those provisions of [sections 12-51 and 13-43] section 11-131 which fix the hours for voting, and fix other hours by stating the same in the election proclamation or notice, as the case may be.
- (7) Furtherance of federal programs. To further and promote federal programs by making rules and regulations adopting and giving the force and effect of state law to federal laws, rules, regulations, and orders whenever the governor finds that the same serve the purposes of this chapter, including, without limitation, federal price control and wage control measures; and also to further and promote federal programs by suspending laws that impede the same, by prescribing for any license, permit, registration, or certificate, additional requirements that serve as a means of enforcing, or checking on the enforcement, of a federal law, rule, regulation, or order, and by transferring to the federal government at its request the state employment service with its personnel, records, facilities, equipment, and supplies, and making similar requested transfers of other services when the governor finds that the most effective functioning of the services will result therefrom. Nothing in this subsection shall be deemed to be in limitation of any of the powers conferred upon the governor by this chapter.
- (8) Relief of hardships, inequities, etc. To relieve hardships and inequities, or obstructions to the public health, safety, or welfare, found by the governor to exist in the laws and to result from the operation of federal programs or measures taken under this chapter, by suspending the laws, in whole or in

part, or by alleviating the provisions of laws on such terms and conditions as he may impose, including, without limitation, licensing laws, quarantine laws, and laws relating to labels, grades, and standards.”

SECTION 12. Section 177-35, Hawaii Revised Statutes, is amended to read:

“**Sec. 177-35 Effect on other statutes.** This chapter is not intended to repeal chapter 178 [or sections 71-1 to 71-4]. In the event of conflict, this chapter, and rules and regulations established hereunder, shall prevail.”

SECTION 13. Section 184-5, Hawaii Revised Statutes, is amended to read:

“**Sec. 184-5 Rules and enforcement; penalty.** The department may, subject to chapter 91, make, amend, and repeal rules and regulations having the force and effect of law, governing the use and protection of the state park system, including state monuments as established under section [6-12,] 6E-31, and including any private property over which there has been granted to the State any right of free public access or use for recreational, park, viewing of any historical, archaeological, natural, or scientific feature, object, or site, or related purpose, or property thereon, and also governing the use and protection of any recreational, scenic, historical, archaeological, natural, scientific, and related resources of state and private lands, and enforce such rules and regulations. Any person who violates any of the rules and regulations so prescribed shall be held liable for restoration of or restitution for any damages to public or private property and shall also be subject to the confiscation of any tools and equipment used in such violation and of any plants, objects, or artifacts removed illegally from such properties, and shall be guilty of a petty misdemeanor. Except as otherwise provided by the department, the more restrictive rules and regulations of the department shall apply in any unit of the state park system or any public use area which is also governed by the rules and regulations of any forest reserve, public hunting ground, or other department district or area.

The department may confer on the director of state parks and upon other employees of the division the powers of police officers, including the power to serve and execute warrants and arrest offenders in all matters relating to the enforcement, in any state park, parkway, or state monument, or in any private property over which there has been granted to the State any right of free public access or use for recreational, park, viewing of any historical, archaeological, natural, or scientific feature, object, or site, or related purpose of (1) the laws applicable to the state parks and parkways and to historical objects and sites and the rules and regulations adopted under the provisions of this section and (2) traffic laws and ordinances. Such police powers shall also extend to the enforcement of the laws of the State and the rules and regulations of the department relative to the protection and proper utilization of the recreational, scenic, historical, natural, and archaeological, scientific, and related resources of state and private lands. Such conferring of powers shall include the designation of such employees as state parks enforcement officers.”

SECTION 14. Section 192-2, Hawaii Revised Statutes, is amended to read:

“**Sec. 192-2 Importation; sale of game birds.** Any responsible resident of good character who is a holder of the license defined in section 192-1 may bring within the State and have the custody of, for the purpose of conducting a private and commercial shooting preserve, domestication, propagation, or selling, as in this

chapter provided, any game birds, except [such game birds that might cause damage or become injurious or detrimental to the agricultural or horticultural industries or to the forests of the State as provided in section 150-2.] those prohibited by section 150A-6.

Any game birds brought within the State or reared in captivity within the State may be sold or transported for propagation purposes or for food or other purposes if tagged and as hereafter provided.”

SECTION 15. Section 193-1, Hawaii Revised Statutes, is amended to read:

**“Sec. 193-1 Corps of civilian workers; forestry conservation program.**

There is established a corps of civilian workers to engage in a special program of forestry conservation whenever the level of unemployment in an island of the State reaches six per cent of the total labor force of the island, and remains at that level or higher for a period of three continuous months, as certified by the state department of labor and industrial relations. The program shall be administered by the department of land and natural resources. The department, upon activation of the program, shall hire men from the islands in which such unemployment exists to do conservation work in the forests of the State. The program shall be terminated when the level of unemployment remains below four per cent for a period of three continuous months, but shall not terminate sooner than one year after its inception.

The provisions of chapters 76 to 80, 85, [86,] and 88, except the requirements for [personal history statement and] loyalty oath as contained in [sections 85-6 and] section 85-32, shall not apply to persons employed under this part.”

SECTION 16. Section 193-13, Hawaii Revised Statutes, is amended to read:

**“Sec. 193-13 Personnel laws; applicability.** The provisions of chapters 76 to 80, 85, [86,] and 88, except the requirements for [personal history statement and] loyalty oath as contained in [sections 85-6 and] section 85-32 and except provisions of state law relating to the application of the Social Security Act of the United States to the extent that the Act shall be applicable under the federal law establishing the youth programs, shall not apply to persons employed under this part.”

SECTION 17. Section 193-23, Hawaii Revised Statutes, is amended to read:

**“Sec. 193-23 Personnel laws; applicability.** The provisions of chapters 76 to 80, 85, [86,] and 88, except the requirements for [personal history statement and] loyalty oath as contained in [sections 85-6 and] section 85-32 and except provisions of state law relating to the application of the Social Security Act of the United States to the extent that the Act shall be applicable under the federal law establishing the youth programs, shall not apply to persons employed under this part.”

SECTION 18. Section 205-16.1, Hawaii Revised Statutes, is amended to read:

**“Sec. 205-16.1 Adoption of interim statewide land use guidance policy.**

The legislature hereby adopts the following as interim statewide land use guidance policy set forth in this section. Except when the land use commission finds that an injustice or inequity will result, the commission shall observe and comply with these interim statewide land use guidance policies during the period [commencing] from

[[]June 2, 1975,[]] until two years after the effective date of the enactment of the state plan. The state plan shall be a long-range, comprehensive plan and policies which shall serve as a guide for the future long-range development of the State in accordance with chapter [225.] 226.

### INTERIM STATEWIDE LAND USE GUIDANCE POLICY

The interim policies are:

- (1) Land use amendment shall be approved only as reasonably necessary to accommodate growth and development, provided there are no significant adverse effects upon agricultural, natural, environmental, recreational, scenic, historic, or other resources of the area.
- (2) Lands to be reclassified as an urban district shall have adequate public services and facilities or as can be so provided at reasonable costs to the petitioner.
- (3) Maximum use shall be made of existing services and facilities, and scattered urban development shall be avoided.
- (4) Urban districts shall be contiguous to an existing urban district or shall constitute all or a part of a self-contained urban center.
- (5) Preference shall be given to amendment petitions which will provide permanent employment, or needed housing accessible to existing or proposed employment centers, or assist in providing a balanced housing supply for all economic and social groups.
- (6) In establishing the boundaries of the districts in each county, the commission shall give consideration to the general plan of the county.
- (7) Insofar as practicable conservation lands shall not be reclassified as urban lands.
- (8) The commission is encouraged to reclassify urban lands which are incompatible with the interim statewide land use guidance policy or are not developed in a timely manner."

SECTION 19. Section 206-18, Hawaii Revised Statutes, is amended to read:

**"Sec. 206-18 Security for funds deposited by board.** The board of land and natural resources may, by resolution, provide that any moneys deposited by it shall be secured:

- (1) By any securities by which funds deposited by the state director of finance may be legally secured as provided in section [38-2,] 38-3, or
- (2) By an undertaking with such sureties as are approved by the board faithfully to keep and pay over upon the order of the board any deposits and agreed interest thereon, and all banks and trust companies may give any security for the deposits."

SECTION 20. Section 209-5, Hawaii Revised Statutes, is amended to read:

**"Sec. 209-5 Duties of coordinator.** The rehabilitation coordinator shall:

- (1) Provide for the official contact between the State and persons affected by the disaster;
- (2) Make available to these persons information on all state rehabilitation programs;

- (3) Aid all persons affected by the disaster in securing assistance available under this chapter;
- (4) Inform these persons of assistance available from sources other than the State, and assist the victims in obtaining any assistance;
- (5) Keep a list of these persons, posting thereon all assistance received from the State and, to the extent that the information is available, assistance from other sources;
- (6) Advise the governor as to the administration and effectiveness of the various programs;
- (7) Establish a temporary office on the island affected by the disaster if necessary, and where more than one island is affected, establish such offices as the governor may direct; and
- (8) File an annual report with the governor and the legislature describing the organization, activities, expenditures, and assistance granted pursuant to this chapter and making recommendations to increase the effectiveness of this chapter at least twenty days before the convening of the regular session of the legislature.”

SECTION 21. Section 235-7, Hawaii Revised Statutes, is amended by amending subsection (a) 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 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),] 237-23(a)(5) to (8), 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;
- (9) 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;
- (10) The value of legal services provided by a prepaid legal service plan to a taxpayer, his spouse, and his dependents;
- (11) Amounts paid, directly or indirectly, by a prepaid legal service plan to a taxpayer as payment or reimbursement for the provision of legal services to the taxpayer, his spouse, and his dependents;
- (12) Contributions by an employer to a prepaid legal service plan for compensation (through insurance or otherwise) to his employees for the costs of legal services incurred by his employees, their spouses, and their dependents."

SECTION 22. Section 237-4, Hawaii Revised Statutes, is amended to read:

**"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:

- (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)] 237-23(a)(9) for sale to such producer, or to a licensed person operating a feed lot, of poultry or animal feed, hatching eggs, semen, replacement stock, breeding services for the purpose of raising or producing animal or poultry products for disposition as described in section

- 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)] 237-23(a)(9) 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)] 237-23(a)(9) 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)] 237-23(a)(9) 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] the property is not consumed or incidental to the performance of the services; (2) there is a resale of [said] the article at the retail rate of [4] four per cent; and (3) the resale of [said] the 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 industrial users, in wholesale quanti-

ties 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 23. Section 237-23, Hawaii Revised Statutes, is amended by amending subsection (b) to read:

“(b) The exemptions enumerated in subsection [(a)(6) to (9)] (a)(5) to (8) shall apply only:

- (1) To those persons who shall have registered with the department of taxation on or before January 31 of each calendar year, or within one month after the commencement of business, by filing a written application for registration in such form as the department shall prescribe, and shall have paid for the registration an annual fee of \$1, and shall have had the exemption allowed by the department or by a court or tribunal of competent jurisdiction upon appeal from any assessment resulting from disallowance of the exemption by the department; and
- (2) To activities from which no profit inures to the benefit of any private stockholder or individual, except for death or other benefits to the members of fraternal societies; and
- (3) To the fraternal, religious, charitable, scientific, educational, communal, or social welfare activities of such persons, or to the activities of such hospitals, infirmaries, and sanitariums as such, 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 furtherance of the exempt activities of such persons.”

SECTION 24. Section 237-24, Hawaii Revised Statutes, is amended to read:

“**Sec. 237-24 Amounts not taxable.** This chapter shall not apply to the following amounts:

- (1) Amounts received under life insurance policies and contracts paid by reason of the death of the insured;
- (2) Amounts received (other than amounts paid by reason of death of the insured) under life insurance, endowment, or annuity contracts, either during the term or at maturity or upon surrender of the contract;
- (3) Amounts received under any accident insurance or health insurance policy or contract or under workers’ compensation acts or employers’ liability acts, as compensation for personal injuries, death, or sickness, including also the amount of any damages or other compensation received, whether as a result of action or by private agreement between the parties on account of the personal injuries, death, or sickness;
- (4) The value of all property of every kind and sort acquired by gift, bequest, or devise, and the value of all property acquired by descent or inheritance;
- (5) Amounts received by any person as compensatory damages for any tort injury to him, or to his character reputation, or received as compensatory damages for any tort injury to or destruction of property, whether as the result of action or by private agreement between the parties (provided [,] that amounts received as punitive damages for tort injury or breach of contract injury shall be included in gross income);

- (6) Amounts received as salaries or wages for services rendered by an employee to an employer;
- (7) Amounts received as alimony and other similar payments and settlements;
- (8) Amounts collected by distributors as fuel taxes on "liquid fuel" imposed by chapter 243, and the amounts collected by such distributors as a fuel tax imposed by any act of the Congress of the United States;
- (9) Taxes on liquor imposed by chapter 244 on dealers holding permits under that chapter;
- (10) The amounts of taxes on tobacco products imposed by chapter 245 on wholesalers or dealers holding licenses under that chapter and selling the products at wholesale, and the amounts of taxes on tobacco products collected from a wholesaler by another where the wholesaler makes separate charges for the amounts so collected from him and collects the same from those purchasing from him as provided by chapter 245;
- (11) Federal excise taxes imposed on articles sold at retail and collected from the purchasers thereof and paid to the federal government by the retailer;
- (12) The amounts of federal taxes under chapter 37 of the Internal Revenue Code, or similar federal taxes, imposed on sugar manufactured in the State, paid by the manufacturer to the federal government;
- (13) An amount up to, but not in excess of, \$2,000 a year of gross income received by any blind, deaf, or totally disabled person engaging, or continuing, in any business, trade, activity, occupation, or calling within the State;
- (14) Amounts received by an organization enumerated under section [237-23(6) to (9)] 237-23(a)(5) to (8) from the sale of brooms which are manufactured by blind persons working at the adult blind broom shop;
- [(15) [DELETED]]
- (16) [(15) Amounts received by a producer of [sugar cane] sugarcane from the manufacturer to whom he sells the [sugar cane,] sugarcane, where (A) the producer is an independent cane farmer, so classed by the secretary of agriculture under the Sugar Act of 1948 (61 Stat. 922, Chapter 519) as the [act] Act may be amended or supplemented, and (B) the value of the sugar, and other products manufactured from the [sugar cane,] sugarcane, is included in the measure of the tax levied on the manufacturer under section 237-13(1), and (C) the producer's gross proceeds of sales are dependent upon the actual value of the products manufactured therefrom or the average value of all similar products manufactured by the manufacturer, and (D) the producer's gross proceeds of sales are reduced by reason of the tax on the value of the manufactured products;
- [(17)] (16) Money paid by the State or eleemosynary child-placing organizations to foster parents for their care of children in foster homes;
- [(18)] (17) Amounts received by a cooperative housing corporation from its shareholders in reimbursement of funds paid by such corporation for lease rental, real property taxes, and other expenses of operating and maintaining the cooperative land and improvements, provided that such a cooperative corporation is a corporation:
  - (A) Having one and only one class of stock outstanding[.];

- (B) Each of the stockholders of which is entitled solely by reason of his ownership of stock in the corporation, to occupy for dwelling purposes a house, or an apartment in a building owned or leased by the corporation[.];
  - (C) No stockholder of which is entitled (either conditionally or unconditionally) to receive any distribution not out of earnings and profits of the corporation except in a complete or partial liquidation of the corporation;
- [(19)] (18) Amounts received from the loading, transportation, and unloading of agricultural commodities shipped for a producer or produce dealer on one island of this State to a person, firm, or organization on another island of the State. The terms "agricultural commodity", "producer", and "produce dealer" shall be defined in the same manner as they are defined in section 147-1;
- [(20)] (19) Amounts received from sales of (A) intoxicating liquor as defined in chapter 244, (B) tobacco products as defined in chapter 245, and (C) agricultural, meat, or fish products grown, raised, or caught in Hawaii, when such sales are made to any person or common carrier in interstate or foreign commerce, or both, whether ocean-going or air, for consumption out-of-state by such person, crew, or passengers on such shipper's vessels or airplanes;
- [(21)] (20) Amounts received by the manager or board of directors of an association of apartment owners of a horizontal property regime established in accordance with chapter [514] 514A in reimbursement of sums paid for common expenses."

SECTION 25. Section 266-19, Hawaii Revised Statutes, is amended to read:

**"Sec. 266-19 Harbor special fund; harbor reserve fund.** There is created in the treasury of the State the harbor special fund into which funds collected by the department of transportation under section 266-17(1) shall be deposited.

The harbor special fund shall be applied, used, and disposed of as follows, and in the following order of priority:

First, for the payment when due of all bonds and interest thereon, for the payment of which the revenues are or shall have been pledged, charged, or otherwise encumbered, including reserves therefor;

Second, for the expenses of operation and maintenance of the properties designated in section 266-17(1), including reserves therefor and the expenses of the operation of the department in connection with those properties, the general administrative overhead to be prorated between those properties and the properties [designated in section 266-17(2);] principally used for recreation or the landing of fish;

Third, for the purposes, within the jurisdiction, powers, duties, and functions of the department, including the creation and maintenance of reserves, as have been covenanted in any resolution or resolutions of the department or certificate or certificates of the head of the department providing for the issuance of revenue bonds or creating other revenue obligations;

Fourth, to reimburse the general fund of the State for all bond requirements for general obligation bonds which are or have been issued for harbor or wharf improve-

ments with respect to properties designated in section 266-17(1), excluding bonds, the proceeds of which were or are to be expended for improvements which are or will be neither revenue producing nor connected in their use directly with revenue producing properties, or to refund any of the bonds, except insofar as the obligation or reimbursement has been or is canceled by the the legislature. Unless otherwise provided by the legislature, bond requirements are the interest on term and serial bonds, sinking fund for term bonds, and principal of serial bonds maturing the following year;

Fifth, for any purpose within the jurisdiction, powers, duties, and functions of the department (excluding properties principally used for recreation or the landing of fish, except the properties located at Kewalo Basin, ewa of Ala Moana Park, Honolulu), including acquisitions, constructions, additions, expansions, improvements, renewals, replacements, reconstruction, engineering, investigation, and planning, all or any of which in the judgment of the department are necessary to the performance of its duties or functions. There is created in the treasury of the State a second separate harbor special fund, into which shall be deposited all moneys to be applied to the foregoing purposes of this paragraph. In anticipation of the payments into and accumulations in the second separate special fund, the department may issue revenue bonds or other revenue obligations of the State, in such sums only as may be authorized by specific act or acts of the legislature and repayable solely out of the second separate special fund, to finance in whole or in part the cost of any acquisition, construction, addition, expansion, improvement, renewal, replacement, or reconstruction. If any revenue bonds or other revenue obligations payable from the second separate special fund are issued, then while any such revenue bonds or other revenue obligations are outstanding:

- (1) The amount deposited and to be deposited in the second separate special fund from the moneys in the harbor special fund shall never be less than the amount necessary to pay when due the principal of and interest on the bonds and other obligations, including reserves therefor;
- (2) The department may create any accounts within the second separate special fund as it may deem necessary or desirable; and
- (3) The moneys in the harbor special fund and in the second separate special fund, in lieu of being appropriated, applied, or expended for the purposes and in the order of priority set forth in section 39-60, shall be appropriated, applied, or expended as provided in this section, subject to the modifications hereinafter set forth in this paragraph.

While any revenue bonds of the State payable directly from the harbor special fund are outstanding, the payments into the second separate special fund to provide for the payment of principal of and interest on the revenue bonds or other revenue obligations payable solely out of the second separate special fund, including reserves therefor, shall be made after the application of moneys in the harbor special fund for first, second, and third priority items of this section but prior to the application thereof for the purposes of the remaining paragraphs of this section. After all revenue bonds of the State payable directly from the harbor special fund have been paid or sufficient funds for their payment have been set aside in trust for that purpose, the payments into the second separate special fund to provide for the payment of the principal of and interest on the revenue bonds or other revenue obligations payable solely from the

second separate special fund, including reserves therefor, shall be made prior to the use and application of the moneys in the harbor special fund for any other purposes of this section, including without limitation, the second through ninth priority items. Any moneys in the second separate special fund not required for the payment when due of the principal of and interest on any revenue bonds or other revenue obligations payable from the second separate special fund, including reserves therefor, shall be applied to the payment of the costs of acquisitions, constructions, additions, expansions, improvements, renewals, replacements, and reconstructions required by the legislature to be paid from either the harbor special fund or the second separate special fund. All revenue bonds or other revenue obligations for harbor acquisitions, constructions, additions, expansions, improvements, renewals, replacements, or reconstructions authorized by the legislature at the regular session of 1966, or thereafter, to be issued pursuant to part III, chapter 39, may be issued by the department, either payable as to principal and interest directly from the harbor special fund or from the second separate special fund pursuant to this paragraph;

Sixth, to make payments into the general fund as may be required under section 36-29;

Seventh, to make any and all other outlays or expenditures not otherwise restricted in this section;

Eighth, to provide a reserve for betterments to harbor undertakings under the jurisdiction of the department;

Ninth, to provide funds for other special reserve funds and other special funds as are created by law.

Until adequate provision is otherwise made for the purposes of this section, no transfer shall be made of all or any part of the moneys in the harbor special fund or in any other special fund created in this section, to the general funds of the State nor shall the funds be applied for any other purposes.

There is created the harbor reserve fund into which the department may make transfers from the harbor special fund in the amounts and at the times as the department shall determine. The amount of the harbor reserve fund shall not at any time exceed \$750,000. The harbor reserve fund may be expended for any of the purposes of and in the same manner as the harbor special fund and shall be subject to the same limitations as are placed upon the harbor special fund. No amount held in or paid from the harbor reserve fund shall be used to reduce the rates assessable or chargeable by the department under section 266-17(1), but in computing its expense under section 266-17(1), the department shall not include any amount for the purpose of increasing or replenishing the reserve fund. The harbor reserve fund shall be maintained at the balances required by the resolutions or certificates providing for the issuance of all bonds payable from the harbor special fund and issued prior to January 1, 1967, or issued thereafter, payable on a parity with bonds issued prior to January 1, 1967, and when permitted by the resolutions or certificates, the moneys in the harbor reserve fund may be applied to the final payment or redemption of those bonds, and the harbor reserve fund shall thereupon be abolished."

SECTION 26. Section 271-5, Hawaii Revised Statutes, is amended to read:

**"Sec. 271-5 Exemptions, generally.** Notwithstanding any other provisions of this chapter, its contents shall not apply to:

- (1) Persons transporting their own property where the transportation is in furtherance of a primary business purpose or enterprise of that person, except where the transportation is undertaken by a motor carrier to evade the regulatory purposes of this chapter.
- (2) Persons operating motor vehicles when engaged in the transportation of school children and teachers to and from school, and to and from school functions; provided[,] that these persons may engage in providing transportation at special rates for groups of persons belonging to an eleemosynary or benevolent organization or association domiciled in this State where the organization or association sponsors or is conducting a nonregular excursion, provided that whenever the persons engage in the transportation of persons other than those exempted in this paragraph, that portion of their operation shall not be exempt from the provisions contained in this chapter. Nothing herein shall be construed to authorize any person to engage in the transportation of persons, other than the transportation of persons exempted by the terms of this paragraph, without a permit or a certificate issued by the commission authorizing such transportation.
- (3) Persons operating taxicabs or other motor vehicles utilized in performing a bona fide metered taxicab service. "Taxicab" means and includes:
  - (A) Any motor vehicle used in the movement of passengers on the public highways under the following circumstances, namely the passenger hires the vehicle on call or at a fixed stand, with or without baggage for transportation, and controls the vehicle to the passenger's destination; and
  - (B) Any motor vehicle having seating accommodations for eight or less passengers used in the movement of passengers on the public highways between a terminal, i.e., a fixed stand, in the [city of Honolulu, as defined in section 70-1,] Honolulu district, as defined in section 4-1, and a terminal in a geographical district outside the limits of the [city of Honolulu,] Honolulu district, and vice versa, without picking up passengers other than at the terminals or fixed stands; provided that passengers may be picked up by telephone call from their homes in the rural area or may be unloaded at any point between the fixed stands or may be delivered to their homes in the rural area.
- (4) Persons operating motor vehicles in the transportation of persons pursuant to a franchise from the legislature and whose operations are presently regulated under chapter 269.
- (5) Nonprofit agricultural cooperative associations to the extent that they engage in the transportation of their own property or the property of their members.
- (6) Persons operating motor vehicles specially constructed for the towing of disabled or wrecked vehicles but not otherwise used in the transportation of property for compensation or hire.
- (7) Persons operating motor vehicles in the transportation of mail, newspapers, periodicals, magazines, messages, documents, letters, or blueprints.
- (8) Persons operating funeral cars or ambulances.
- (9) Persons operating motor vehicles in the transportation of garbage or refuse.



- (10) Persons operating the type of passenger carrying motor vehicles known as "sampan buses" within the radius of twenty miles from the city of Hilo, Hawaii.
- (11) Persons transporting unprocessed pineapple to a cannery and returning any containers used in such transportation to the fields.
- (12) Sugar plantations transporting [sugar cane,] sugarcane, raw sugar, molasses, sugar by-products, and farming supplies for neighboring farmers pursuant to contracts administered by the United States Department of Agriculture.
- (13) Persons engaged in the ranching or meat or feed business who transport cattle to slaughterhouses for hire where such transportation is their sole transportation for hire and where their earnings from the transportation constitute less than fifty per cent of their gross income from their business and the transportation for hire.
- (14) Persons transporting unprocessed raw milk to processing plants and returning any containers used in such transportation to dairy farms for reloading.
- (15) Persons transporting animal feeds to animal husbandry farmers and farming supplies directly to animal husbandry farmers and returning any containers used in such transportation to these sources of such feeds and supplies for reloading.
- (16) Persons engaged in transporting not more than fifteen passengers between their places of abode, or termini near such places, and their places of employment in a single daily round trip where the driver is also on his way to or from his place of employment.
- (17) Persons transporting passengers without charge in motor vehicles owned or operated by such person, where such transportation is provided in conjunction with and in furtherance of a related primary business purpose or enterprise of that person, and such transportation is provided only directly to and from the place of business of such person, except that this exemption shall not apply to persons making any contract, agreement, or arrangement to provide, procure, furnish, or arrange for transportation as a travel agent or broker or a person engaged in tour or sightseeing activities, nor shall this exemption apply where the transportation is undertaken by a person to evade the regulatory purposes of this chapter."

SECTION 27. Section 281-57, Hawaii Revised Statutes, is amended to read:

**"Sec. 281-57 Notice.** Upon the filing of the inspector's report upon any application the liquor commission may hold a preliminary hearing and upon such preliminary hearing it may deny the application. If no preliminary hearing is had or if the application is not denied upon a preliminary hearing, the commission shall fix a day for the public hearing of the application (other than an application for an alcohol license or a license in classes 7 to 10) and shall publish notice of the hearing at least once in each of two consecutive weeks (two insertions) in some newspaper published in the English language in the county (or if there be none such then in the city and county of Honolulu) having a general circulation in the county, the date of the hearing to be not less than twenty-one days after the first publication. The notice shall require that all protests or objections against the issuance of the license applied for shall be

filed with the secretary of the commission at or before the time of hearing. Before making such publication the commission shall collect from the applicant the cost of making the publication or require a deposit to cover the same.

Immediately upon the commission's fixing a day for the public hearing of the application, the applicant shall mail a notice setting forth the time and place of the hearing on the application to not less than two-thirds of the persons being the owners or lessees holding under recorded leases, of real estate situated within a distance of five hundred feet from the nearest point of the premises for which the license is asked to the nearest point of such real estate, not less than twenty-one days prior to the date set for the hearing of the application; and before the hearing the applicant shall file with the commission an affidavit as to such mailing of notice. Notice by mail may be addressed to the last known address of the person concerned or to the address as shown in the last tax return filed by him or his agent or representative. In addition, for each condominium project within the affected area, one notice of the hearing shall be sent by mail addressed "To the Residents, Care of the Manager", followed by the name and address of the condominium involved."

SECTION 28. Section 291-22, Hawaii Revised Statutes, is amended to read:

**"Sec. 291-22 Regulation of exhaust pipe and muffler.** It shall be unlawful for any person to drive upon the public highways any motor scooter, as [hereinafter] defined[,] in section 286-2, the exhaust pipe or muffler of which has been so changed from the factory design as to increase the volume or audibility of the explosions within the motor thereof."

SECTION 29. Section 291-29, Hawaii Revised Statutes, is amended to read:

**"Sec. 291-29 Lights for other vehicles.** All vehicles other than those specified in [sections] section 291-25 [and 291-27] shall during the time mentioned in such [sections] section when upon the public highway, carry a lighted light on the extreme width of each side so arranged that a light from the lamps shall be visible in every direction at least two hundred feet."

SECTION 30. Section 291C-164, Hawaii Revised Statutes, is amended to read:

**"Sec. 291C-164 Procedure upon arrest.** Except when authorized or directed under state law to immediately take a person arrested for a violation of any of the traffic laws before a district judge, any authorized police officer, upon making an arrest for violation of the state traffic laws shall take the name, address, and [operator's] driver's license number of the alleged violator and the registered license number of the motor vehicle involved and shall issue to him in writing a summons or citation, hereinafter described, notifying him to answer to the complaint to be entered against him at a place and at a time provided in [said] the summons or citation."

SECTION 31. Section 291C-170, Hawaii Revised Statutes, is amended to read:

**"Sec. 291C-170 Revocation or suspension of license.** In addition to the penalties heretofore provided, the court may revoke or may suspend, for a period not to exceed one year, the license of any [operator or chauffeur] driver convicted of a

violation of any section or provision of the state traffic laws involving a vehicle in motion.”

SECTION 32. Section 306-4, Hawaii Revised Statutes, is amended 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] or 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] ninety-eight 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 personal representative, 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.”

SECTION 33. Section 321-15.6, Hawaii Revised Statutes, is amended by amending subsection (c) to read:

“(c) The department shall provide for the training of operators and staff of any facility licensed under this section, in conjunction with any licensing thereof, and in coordination with the department of [health,] social services and housing, to ensure that [adult family boarding] care home operators shall have the needed skills to provide proper care and supervision in a home environment (i.e., first aid, cardiopulmonary resuscitation, and nutrition training as a minimum). Such training shall be provided at the expense of the State.”

SECTION 34. Section 328-10, Hawaii Revised Statutes, is amended to read:

**“Sec. 328-10 Foods deemed misbranded when.** A food shall be deemed to be misbranded:

- (1) If its labeling is false or misleading in any particular; or if its labeling or packaging fails to conform with the requirements of sections 328-2[, 328-2.1] and 328-19.1;
- (2) If it is offered for sale under the name of another food;
- (3) If it is an imitation of another food for which a definition and standard of identity has been prescribed by regulation as provided by section 328-8; or if it is an imitation of another food that is not subject to paragraph (7) of this section, unless its label bears in type of uniform size and prominence, the word “imitation” and, immediately thereafter, the name of the food imitated;
- (4) If its container is so made, formed, or filled as to be misleading;
- (5) If in package form, unless it bears a label containing (A) the name and place of business of the manufacturer, packer, or distributor; (B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count, which statement shall be separately and accurately stated in a uniform location upon the principal display panel of the label; provided[,] that under clause (B) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the department of health;
- (6) If any word, statement, or other information required by or under authority of this part to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;
- (7) If it purports to be or is represented as a food for which a definition and standard of identity have been prescribed by regulations as provided by section 328-8, unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standards, and, insofar as may be required by the regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in the food;
- (8) If it purports to be or is represented as:
  - (A) A food for which a standard of quality has been prescribed by regulations as provided by section 328-8 and its quality falls below such standard unless its label bears, in such manner and form as the regulations specify, a statement that it falls below such standard; or
  - (B) A food for which a standard or standards of fill of container have been prescribed by regulation as provided by section 328-8, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as the regulations specify, a statement that it falls below such standard;
- (9) If it is not subject to paragraph (7) of this section, unless its label bears (A)

the common or usual name of the food, if any there be, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each; provided[,] that, to the extent that compliance with the requirements of clause (B) of this paragraph is impractical or results in deception or unfair competition, exemptions shall be established by regulations prescribed by the department; and, provided[,] further[,] that the requirements of clause (B) shall not apply to food products which are packaged at the direction of purchasers at retail at the time of sale, the ingredients of which are disclosed to the purchasers by other means in accordance with regulations prescribed by the department;

- (10) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the department determines to be, and by regulations prescribes, as necessary in order to fully inform purchasers as to its value for such uses;
- (11) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided[,] that to the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations prescribed by the department; and, provided[,] further[,] that this paragraph and paragraphs (7) and (9) of this section with respect to artificial coloring shall not apply in the case of butter, cheese, or ice cream. The provisions of this paragraph regarding chemical preservatives shall not apply to a pesticide chemical when used in or on a raw agricultural commodity which is the produce of the soil;
- (12) If it is a product intended as an ingredient of another food and, when used according to the directions of the purveyor, will result in the final food product being adulterated or misbranded;
- (13) If it is a color additive unless its packaging and labeling are in conformity with the packaging and labeling requirements applicable to the color additive prescribed under the Federal Act;
- (14) If it is a raw agricultural commodity which is the produce of the soil, bearing or containing a pesticide chemical applied after harvest, unless the shipping container of such commodity bears labeling which declares the presence of such chemical in or on such commodity and the common or usual name and the function of such chemical; provided that no such declaration shall be required while such commodity, having been removed from the shipping container, is being held or displayed for sale at retail out of such container in accordance with the custom of the trade."

SECTION 35. Section 353-1.4, Hawaii Revised Statutes, is amended to read:

**"Sec. 353-1.4 Creation of intake service center.** There shall be an intake service center for each of the counties. Each center shall be directed and managed by a director. The director of the Oahu intake service center shall be appointed by the governor [pursuant to section 353-1.3] without regard to chapters 76 and 77, but shall

meet the qualifications for the position determined by the department of personnel services. The director of the Oahu intake service center shall appoint the directors of the other intake service centers pursuant to chapters 76 and 77. The director of the Oahu intake service center shall be the over-all state executive director of all the intake service centers and shall manage, control, and direct all of the intake service centers and provide periodic reports not less than annually on their operations to the governor and the intake service center advisory board. Any center may be integrated with and operated concurrently with a community correctional center.

The intake service center shall:

- (1) Provide guidance and technical services for volunteer referrals and to admitted persons, correctional diagnostic and evaluation services for diversionary determinations, pre-sentence investigations for the courts, and post-sentence correctional prescription program planning for committed persons;
- (2) Provide non-custodial and program services for persons awaiting judicial disposition who have not been conditionally released;
- (3) Provide such other personal and correctional services as needed;
- (4) Monitor and record the progress of persons admitted to the center, who undergo further treatment or who participate in prescribed correctional programs;
- (5) Refer persons admitted to the center in selected cases, to community programs pending judicial disposition or where judicial proceedings are discontinued or suspended;
- (6) Provide for adult persons, correctional services including but not limited to orientation, social, psychiatric-psychological evaluations, employment counseling, social inventory and programming, medical and dental services, and referral services to community programs.

The intake service center may be staffed by full-time or part-time professional and clerical staff appointed pursuant to chapters 76 and 77, or utilize contractual professional services.”

SECTION 36. Section 359-141, Hawaii Revised Statutes, is amended to read:

“**Sec. 359-141 State sales housing.** Notwithstanding sections 359-8, 359-9, 359-39, [359-61,] 359-66, or any other law to the contrary, but subject to any resolution of issuance under part IV of this chapter, the authority may permit any member of a tenant family of a housing project administered under this chapter, or chapter 356, or any individual meeting the income standards under section 221(d)(3) of the National Housing Act to enter into a contract, including but not limited to contracts entered under and conforming to part V of this chapter or under chapter 361, the community home mortgage program, (either individually or as a member of a group) for the acquisition of a dwelling unit and lot or the acquisition of a dwelling unit and the lease of its lot, the lease to conform to chapter 171 with the exception that the lease shall not require bid, auction, or negotiation, in any project under chapters 356 and 359 which is suitable for sale and for occupancy by such purchaser or a member or members of his family, upon the following terms:

- (1) The purchaser shall pay at least (A) a pro rata share cost of any services furnished him by the authority, including but not limited to, administration,

maintenance, repairs, utilities, insurance, provision of reserves, and other expenses, (B) taxes on his dwelling unit, and (C) monthly payments of interest and principal sufficient to amortize a sales price, equal to the greater of the unamortized debt or the appraised value (at the time such purchase contract is entered into) of the dwelling unit, in not more than forty years; provided that the authority may, under terms and conditions to be prescribed by it, permit a purchaser to apply toward the purchase price of such unit amounts provided for under part V;

- (2) Except in the case of financing under the community home mortgage program the interest rate shall be fixed at not less than the average interest cost of loans outstanding on the project, except that in the case of a project on which bonds are not outstanding the interest rate shall be fixed at not less than the going rate applicable to such project;
- (3) The principal payments shall be not less than one-half of one per cent a year of the sales price during the first five years after purchase, one per cent a year during the next five years, one and one-half per cent a year during the third five years, and thereafter not less than the principal payments resulting from a level debt service of interest and principal over the balance of the payment period; and
- (4) If at any time (A) a purchaser fails to carry out his contract with the authority and if no member of his family who resides in the dwelling assumes such contract, or (B) the purchaser or a member of his family who assumes the contract does not reside in the dwelling, the authority shall have an option to acquire his interest under the contract upon payment to him or his estate of an amount equal to his aggregate principal payments plus the value to the authority of any improvements made by him, less an amount equal to two and one-half per cent of the sales price."

SECTION 37. Section 359G-1.1, Hawaii Revised Statutes, is amended by adding a new definition to read:

- "(8) "Short term project notes" means evidences of indebtedness issued by the State for specified housing projects and secured by such projects the terms of which call for complete repayment by the State of the face amount in not less than two nor more than ten years."

SECTION 38. Section 359G-4, Hawaii Revised Statutes, is amended by amending subsection (d) to read:

"(d) [Upon] The authority shall adopt upon direction from the governor and for such period as he shall authorize, rules 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; provided that these rules shall not contravene any safety standards or tariffs approved by the public utilities commission; provided further that these rules 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.

Upon the adoption of such rules they shall have the force and effect of law and shall supersede, for all projects in which the State through the authority shall partici-

pate, all other inconsistent laws, ordinances, and rules relating to the use, zoning, planning, and development of land, and the construction of dwelling units thereon; provided that any rules 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 by a majority vote of its members. On the forth-sixth day after submission any rules not disapproved shall be deemed to have been approved by the county.”

SECTION 39. 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 section 171-50; provided that the public land to be exchanged need not be of like use to that of the private land; and provided further that if the use of the private land prior to the exchange is intensive agricultural, the authority shall determine the agricultural productivity of the private land and, whenever and wherever possible, exchange so much state land as shall be sufficient to approximate or equal the productivity of the private land so acquired by the State.

Except as hereinafter set forth in this paragraph, 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.] 359G-9.2. The authority shall not, however, possess the power to develop, or develop, any public lands where the possession of such power or such development (1) would endanger the receipt of any federal grant or impair the eligibility of any public body for a federal grant or prevent the participation by the federal government in any governmental program or (2) would impair any covenant between the State or any county or any department or board thereof and the holders of bonds issued by the State or such county, department or board.”

SECTION 40. Section 384-3, Hawaii Revised Statutes, is amended to read:

“**Sec. 384-3 Chapter 383 applicable.** A claim for benefits under chapter 383 shall constitute a claim for benefits under this chapter. For the purpose of determining the benefits (including weekly benefit amount, maximum total benefits in benefit year, [benefits of seasonal workers,] qualifying wages, eligibility, disqualifications, and all other matters referred to in part II of chapter 383) which would have been payable pursuant to chapter 383 had there been no exclusion of services from employment within the meaning of chapter 383 by the operation of section 383-78, except as provided in this chapter or otherwise inconsistent with this chapter, all of chapter 383



shall be applicable, mutatis mutandis, to all matters covered by this chapter, and are incorporated by reference as fully and effectually to all intents and purposes as if repeated in this chapter.”

SECTION 41. Section 392-26, Hawaii Revised Statutes, is amended by amending subsection (c) to read:

“(c) The proof of disability duly certified by a person licensed to practice medicine, surgery, dentistry, chiropractic, [or] osteopathy, or naturopathy, 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 working days after the date on which the employee was examined and found disabled. If the certifying person fails to submit the required proof within seven working days, the director, upon notification by the insurer, may levy a penalty of \$25 for each delinquent certification where the certifying person fails to show good cause for his failure to file on time.”

SECTION 42. Section 445-166, Hawaii Revised Statutes, is amended by amending subsection (a) to read:

“(a) No mechanically or electrically operated device considered as a major ride and used as an amusement ride shall be permitted to be used or operated at a carnival, circus, fair, or amusement park unless:

- (1) A safety belt or other safety device of similar purpose is installed and used so as to minimize or prevent injury to persons riding on the device and other persons on the premises;
- (2) An attendant is present at all times during the operation of the device; and
- (3) The device has been inspected by the department of labor and industrial relations as required by section [376-2(5).] 396-4(b)(4).

This section shall not apply to any coin operated ride and mechanically or electrically operated devices considered or known in the amusement trade as kiddie rides.”

SECTION 43. Section 448E-4, Hawaii Revised Statutes, is amended to read:

“**Sec. 448E-4 Powers and duties of board.** The board shall have all the powers and duties necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including, without limitation, the following powers and duties:

- (1) To grant licenses which shall be renewable on [an annual] a biennial basis to:
  - (A) Journeyman electricians,
  - (B) Journeyman specialty electricians,
  - (C) Supervising electricians,
  - (D) Supervising specialty electricians,
  - (E) Motion picture operators,
  - (F) Master plumbers,
  - (G) Journeyman plumbers, and
  - (H) Maintenance electricians;
- (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 44. Section 452-6, Hawaii Revised Statutes, is amended by amending subsection (c) to read:

“(c) The board may refuse to grant or may revoke a certificate to a person guilty of fraud in passing the examination; [to a person convicted of a felony or misdemeanor involving moral turpitude;] to one addicted to liquor or drugs; or for failure to display the certificates as provided in this chapter;”

SECTION 45. Section 468-3, Hawaii Revised Statutes, is amended to read:

“**Sec. 468-3 Duty of the director.** The director of regulatory agencies shall examine the statements, information, and documents filed with the application and any further information that may be presented to him by any person. If the director from such examination finds that the applicant and the vendors he represents [have not been convicted of a felony or crime involving moral turpitude, within the State, and that the applicant and the vendors] are engaged in legitimate, lawful business, he shall issue the permit, otherwise he shall refuse to issue the permit and notify the applicant in writing of his decision. The permit may be revoked or suspended by the director for good cause shown to him, after notice to the issuee and a hearing.”

SECTION 46. Section 484-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read:

“(a) Unless the method of disposition is adopted for the purpose of evasion of this chapter, this chapter does not apply to offers or dispositions of an interest in land:

- (1) By a purchaser of subdivided lands for his own account in a single or isolated transaction;
- (2) If fewer than twenty separate lots, parcels, units, or interests in subdivided lands are offered by a person in a period of twelve months;
- (3) On which there is a residential, commercial, or industrial building, or as to which there is a legal obligation on the part of the seller to construct such a building within two years from date of disposition;
- (4) To persons who are engaged in the business of construction of buildings for resale, or to persons who acquire an interest in subdivided lands for the purpose of engaging, and do engage in the business of construction of building for resale;
- (5) Pursuant to court order;
- (6) By any government or government agency;
- (7) As cemetery lots of interests;
- (8) Established as a horizontal property regime pursuant to chapter [514.] 514A.”

SECTION 47. Section 485-6, Hawaii Revised Statutes, is amended to read:

**“Sec. 485-6 Exempt transactions.** The following transactions are exempted from sections 485-8 and 485-25(a)(7):

- (1) Any isolated nonissuer transaction, whether effected through a dealer or not;
- (2) Any nonissuer distribution of an outstanding security if the manual of Hawaiian securities or any other recognized securities manual contains the names of the issuer’s officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years (or during the existence of the issuer and any predecessors if less than three years) in the payment of principal, interest, or dividends on the security;
- (3) Any nonissuer transaction effected by or through a registered dealer pursuant to an unsolicited order or offer to buy;
- (4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters;
- (5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit;
- (6) Any transaction by a personal representative, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator;
- (7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter;
- (8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a dealer, whether the purchaser is acting for itself or in some fiduciary capacity;
- (9) Any transaction pursuant to an offer directed by the [offeror] offerer to not more than twenty-five persons (other than those designated in paragraph (8)) in the State during any period of twelve consecutive months, whether or not the offerer or any of the offerees is then present in the State, if all buyers represent that they are purchasing for investment (rather than with a present view to resale) and the seller reasonably accepts their representations as true, and no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer;
- (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;
- (11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants

- exercisable within ninety days of their issuance, if no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in the State;
- (12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either this chapter or such Act;
  - (13) Any offer or sale by or through a real estate broker or real estate salesman licensed under the laws of the State as such, of a security issued on or after July 1, 1961 by a corporation organized under the laws of the State, the holder of which is entitled solely by reason of his ownership thereof, to occupy for dwelling purposes, or to a lease which entitles the holder to occupy for dwelling purposes a house, or an apartment in a building, owned or leased by such corporation, subject, however, to section 485-7[.];
  - (14) Any offer or sale by or through a real estate broker or real estate salesman licensed as such under the laws of the State of an apartment in a condominium project, and a rental management contract relating to such apartment, including an interest in a general or limited partnership formed for the purpose of managing the rental of apartments if the rental management contract or the interest in the general or limited partnership is offered at the same time as the apartment is offered. The words "apartment", "condominium", and "project" are defined as they are defined in section [514-2.] 514A-3;
  - (15) Any offer of sale not involving a public offering within the meaning of Rule 146 (Code of Federal Regulations section 230.146) or any successor rule, as amended from time to time, of the Securities and Exchange Commission."

SECTION 48. Section 510-10, Hawaii Revised Statutes, is amended by amending subsection (b) to read:

"(b) Upon the death of the husband or wife, the personal representative of the decedent, shall administer upon the whole of the community property, including the interests therein of the survivor and of the decedent, as well as upon the separate property of the decedent. The personal representative shall have the same rights and powers and duties with respect to the administration and disposition of community property, real and personal, as he has with respect to the separate property of the decedent. Chapter [531.] 560, with respect to the administration and disposition of property, real and personal, included in estates is applicable with respect to community property as well as with respect to the separate property of the decedent. The court having jurisdiction of the estate shall determine whether and to what extent property constitutes community property or separate property of the decedent or separate property of the survivor and shall also determine whether and to what extent claims are payable out of community property or out of the separate property of the decedent. Claims and administration expenses paid out of community property shall be charged equally against the half of the community property which belongs to the survivor and the half of the community property which passes in accordance with the

testamentary disposition of the decedent or to the heirs of the decedent; provided[, ] that no estate, inheritance, succession, or similar taxes payable by reason of the transfer upon the death of the decedent of the decedent's interest in the community property shall be charged against the half of the community property which belongs to the survivor."

SECTION 49. Section 519-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read:

"(a) All leases as defined by section 516-1(5), of residential lots, as defined by section 516-1(11), existing on June 2, 1975, or entered into thereafter, which provide for reopening of the contract for renegotiation of lease rent terms shall in the case of leases after June 2, 1975, provide the following, or in the case of leases existing on June 2, 1975, shall be construed in conformity with the following:

- (1) Such renegotiations shall not be scheduled more frequently than once every fifteen years, provided the first of such reopenings shall not be scheduled prior to the fifteenth year following the initial date of the lease; and
- (2) Upon renegotiation, the lease rent payable shall not exceed the amount derived by multiplying the "owner's basis" by four per cent. For purposes of this section, "owner's basis" means the current fair market value of the lot, excluding onsite improvements, valued as if the fee title were unencumbered; less the lessee's share, if any, of the current replacement cost of providing existing offsite improvements attributable to the land, which replacement cost shall include an overhead and profit not exceeding twenty per cent of the current replacement cost of the existing offsite improvements, or less the original lot development credit to the lessee, whichever is greater. For purposes of this section, "offsite improvements" means all physical improvements such as, but not limited to, roads, sewer lines, sewage treatment plants, and underground utility cables, constructed or placed in a subdivision or development off the land intended for occupancy, which improvements are to be used in common by occupants of all lands adjoining such improvements or by occupants of all lands for whose benefit the improvements have been constructed or placed; and "onsite improvements" means all physical improvements placed on a residential lot intended for occupancy which improvements are for the benefit of occupants of that lot, including, but not limited to, dwelling units, garages, service buildings, stairs, walkways, driveways, walls, trees, shrubs, landscaping, and pools."

SECTION 50. Section 531-33, Hawaii Revised Statutes, is amended to read:

**"Sec. 531-33 Procedure to dispose of unclaimed personalty.** Whenever the personal representative of an estate is unable to discover any living heirs or legatees of his decedent, he shall give notice to all heirs or legatees by publication in such newspaper or newspapers and for such time as the court or registrar may direct, but not less than once a week for three successive weeks, of the date of the hearing upon his final accounts or the date on which his closing statement will be approved if no objection is filed, which notice shall direct all claimants of a distributive share in the estate of his decedent to appear and present their claims at the hearing or in writing prior to the date on which the closing statement will be approved if no objection is

filed; provided[, ] that the time allowed for presentation of claims shall be not less than ninety days after the first publication of the notice.

If no claims are presented within the prescribed time, or if such claims as may be allowed do not exhaust the personalty of the estate, any personal estate remaining after the settlement and approval of the final accounts of the personal representative, and the payment of such distributive shares as may be allowed by the court or registrar shall upon order of the court be transferred to the state director of finance by the personal representative.

The director shall cause to be sold at public auction all such personalty as is transferred to him, except cash or bonds of the State.

The personal estate shall be disposed of as provided in chapter 523.”

SECTION 51. Section 560:1-401, Hawaii Revised Statutes, is amended to read:

“**Sec. 560:1-401 Notice; method and time of giving.** (a) If notice is required and except for specific notice requirements as otherwise provided, the applicant or petitioner shall cause notice to be given to any interested person or his attorney if he has appeared by attorney or requested that notice be sent to his attorney, or, in the case of a minor or an incapacitated person, his parent or guardian, as appropriate. Notice shall be given:

- (1) By any method by which the person entitled to notice receipts for a copy thereof at least fourteen days before the time set for the hearing; or
- (2) If notice cannot be effected pursuant to paragraph (1) or if the address, or identity of any person is not known and cannot be ascertained with reasonable diligence, by publishing at least once a week for three consecutive weeks, a copy thereof in a newspaper having general circulation in the judicial circuit where the hearing is to be held or the probate proceedings are being maintained, the last publication of which is to be at least ten days before the time set for either the hearing or the registrar’s action.

(b) The court for good cause shown may provide for a different method or time of giving notice.

(c) Proof of the giving of notice shall be made on or before the hearing and filed in the proceeding.”

SECTION 52. Section 560:3-403, Hawaii Revised Statutes, is amended by amending subsection (a) to read:

“(a) Upon commencement of a formal testacy proceeding, the court shall fix a time and place of hearing. Notice shall be given in the manner prescribed by section 560:1-401 by petitioner to the persons herein enumerated and to any additional person who has filed a demand for notice under section 560:3-204 of this chapter.

Notice shall be given to the following persons, so far as the same are known or are ascertainable with reasonable diligence: the surviving spouse, children, and other heirs of the decedent, the devisees and personal representatives named in any will that is being, or has been probated, or offered for informal or formal [probates] probate in the judicial circuit, or that is known by the petitioner to have been probated or offered for informal or formal probate elsewhere, and any personal representative of the decedent whose appointment has not been terminated. Notice may be given to other persons. In addition, the petitioner shall give notice by publication to all unknown

persons, and to all known persons whose addresses are unknown, who have any interest in the matters being litigated other than creditors and those having a claim against the estate.”

SECTION 53. Section 560:3-1102, Hawaii Revised Statutes, is amended to read:

**“Sec. 560:3-1102 Procedure for securing court approval of compromise.**

The procedure for securing court approval of a compromise is as follows:

- (1) The terms of the compromise shall be set forth in an agreement in writing which shall be executed by all competent persons and parents acting for any minor child having beneficial interests or having claims which will or may be affected by the compromise. Execution is not required by any person whose identity cannot be ascertained or whose whereabouts is unknown and cannot reasonably be ascertained.
- (2) Any interested person, including the personal representative or a trustee, then may submit the agreement to the court for its approval and for execution by the personal representative, the trustee of every affected testamentary trust, and other fiduciaries and representatives.
- (3) After notice to all interested persons or their representatives, including the personal representative of the estate and all affected trustees of trusts, the court, if it finds that the contest or controversy is in good faith and that the effect of the agreement upon the interests of persons represented by fiduciaries or other representatives is just and reasonable, shall make an order approving the agreement and directing all fiduciaries under its supervision to execute the agreement. Minor children may be bound only if represented by a guardian ad litem who joins in execution of the compromise. Upon the making of the order and the execution of the agreement, all further disposition of the estate is in accordance with the terms of the agreement.”

SECTION 54. Section 571-48, Hawaii Revised Statutes, is amended to read:

**“Sec. 571-48 Decree, if informal adjustment or diversion to a private or community agency or program has not been effected.** When a minor is found by the court to come within section 571-11, the court shall so decree and in its decree shall make a finding of the facts upon which the court exercises its jurisdiction over the minor. Upon such decree the court shall, by order duly entered, proceed as follows:

- (1) As to a child adjudicated under section 571-11(1):
  - (A) The court may place the child on probation in his own home or in the custody of a suitable person elsewhere, upon conditions determined by the court.
  - (B) The court may vest legal custody of the child, after prior consultation with the agency or institution, in the Hawaii youth correctional facility, in a local public agency or institution, or in any private institution or agency authorized by the court to care for children; or place him in a private home. If legal custody of the child is vested in a private agency or institution in another state, the court shall select one that is approved by the family or juvenile court of the other state or by that state’s

- department of social services or other equivalent department.
- (C) The court may fine the child for a violation which would be theft in the third degree by shoplifting if committed by an adult. The court may require the child to perform public services in lieu of the fine.
- (2) As to a child adjudicated under section 571-11(2):
- (A) The court may place the child under protective supervision, as hereina-bove defined, in his own home, or in the custody of a suitable person or agency elsewhere, upon conditions determined by the court.
- (B) The court may vest legal custody of the child, after prior consultation with the agency or institution in a local governmental agency or institution licensed or approved by the [state] State to care for children, with the exception of an institution primarily for the care and treatment of children committed under section 571-11(1) or in any private agency or institution authorized by the court to care for children. If legal custody of the child is vested in a private agency or institution in another state, the court shall select one that is approved by the family or juvenile court of the other state or by that state's department of social services or other equivalent department; provided that the child may not be committed to a public or private institution operated solely for the treatment of law violators.
- (3) An order vesting legal custody in an individual, agency, or institution under section 571-11(2) shall be for an indeterminate period but shall not remain in force or effect beyond three years from the date entered, except that the individual, institution, or agency may file with the court a petition for renewal of the order and the court may renew the order if it finds such renewal necessary to safeguard the welfare of the child or the public interest. The court may, after notice to the parties, conduct a hearing on the petition. Renewal may be periodic during minority, but no order shall have any force or effect beyond the period authorized by section 571-13. An agency granted legal custody shall be subject to prior approval of the court in any case in which the child is to reside without the territorial jurisdiction of the court and may be subject to prior approval in other cases. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by the court.
- (4) Whenever the court commits a child to the care of the director of social services or vests legal custody of a child in an institution or agency it shall transmit with the order copies of the clinical reports, social study, and other information pertinent to the care and treatment of the child, and the institution or agency shall give to the court any information concerning the child that the court may at any time require. An institution or agency receiving a child under this paragraph shall inform the court whenever the status of the child is affected through temporary or permanent release, discharge, or transfer to other custody. An institution to which a child is committed under section 571-11(1) or (2) shall not transfer custody of the child to an institution for the correction of adult offenders, except as authorized under section 352-27.



- (5) The court may order, for any child within its jurisdiction, whatever care or treatment is authorized by law.
- (6) In placing a child under the guardianship or custody of an individual or of a private agency or private institution, the court shall give primary consideration to the welfare of the child.
- (7) In support of any order or decree under section 571-11(1) or (2), the court may require the parents or other persons having the custody of the child, or any other person who has been found by the court to be encouraging, causing, or contributing to the acts or conditions which bring the child within the purview of this chapter and who are parties to the proceeding, to do or to omit doing any acts required or forbidden by law, when the judge deems this requirement necessary for the welfare of the child. If such persons fail to comply with the requirement, the court may proceed against them for contempt of court.
- (8) In support of any order or decree for custody or support, the court may make an order of protection setting forth reasonable conditions of behavior to be observed for a specified time, binding upon both parents or either of them. This order may require either parent to stay away from the home or from the other parent or children, may permit the other to visit the children at stated periods or may require a parent to abstain from offensive conduct against the children or each other.
- (9) The court may dismiss the petition or otherwise terminate its jurisdiction at any time.
- (10) In any other case of which the court has jurisdiction, the court may make any order or judgment authorized by law."

SECTION 55. Section 571-52.1, Hawaii Revised Statutes, is amended to read:

**"Sec. 571-52.1 Determination and enforcement of support orders.** During the course of any proceeding in which the court is considering making or modifying an order for spouse support or child support, the court on its own motion or on motion of any interested person may refer the problem to the court trustee for investigation.

At any time when a support order payable through the court appears or is alleged to be inequitable or unsuitable, the court trustee on his own motion may, and when directed by the court shall, institute an investigation into the situation.

In connection with any such referral or inquiry, the court trustee shall investigate all matters pertinent to the determination of just and suitable allowances for the spouse and children, and shall submit his findings and recommendations in writing to the court.

The written reports of the court trustee shall be available to interested parties and may be received in evidence if no objection is made, or, if objection is made, may be received in evidence; provided the person or persons responsible for the reports are available for cross-examination as to any matter which has been investigated. When a report is received in evidence, any party may introduce other evidence supplementing, supporting, modifying, or rebutting the whole or any part of the report.

Every order for spouse support or child support which provides for payments to be made through the court may be enforced pursuant to this section.

The court trustee shall maintain files of the support orders and papers referred to him, shall maintain follow-up records to determine whether the payments ordered therein are being made, may make oral or written demand for overdue payments, and, in the event of a default and after such time as the court trustee may deem reasonable, may, and when directed by the court shall, institute contempt of court proceedings for the purpose of enforcing support orders.

The court trustee may utilize the services of public or private social agencies in conducting the investigations and making the reports and recommendations occasioned by this [rule.] section. Reports of such agencies may be received in evidence under the same conditions as reports of the court trustee.

Court costs, service fees, and the expenses of any investigation conducted by the court trustee may, in the discretion of the court, be assessed wholly or partially against the party ordered to make the support payments.

As used in this section, support includes amounts ordered to be paid as reimbursement or advancement for expenses incurred or to be incurred by or on behalf of a spouse or child, including attorney's fees, court costs, and other expenses in connection with relevant litigation, unpaid amounts due under existing or prior support orders, and payments required by a valid sentence, order, judgment, or decree under chapters 575, 576, 579, and 580 or section 571-51."

SECTION 56. Section 572-10, Hawaii Revised Statutes, is amended to read:

**"Sec. 572-10 Applicant apparently under age.** If any applicant for a license to marry appears to any agent to be under the age of [twenty] eighteen years, the agent shall, before granting a license to marry, require the production of a certificate of birth or other satisfactory proof showing the age of the applicant."

SECTION 57. Section 577A-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read:

**""Minor" shall be any person from the age of fourteen to seventeen inclusive."**

SECTION 58. Section 584-14, Hawaii Revised Statutes, is amended to read:

**"Sec. 584-14 Civil action[; jury].** (a) An action under this chapter shall be a civil action governed by the Hawaii Rules of Civil Procedure or the Hawaii Family Court Rules. The mother of the child and the alleged father shall be competent to testify and may be compelled to testify, provided that no criminal prosecution, other than a prosecution for perjury, shall afterwards be had against the mother or the alleged father for or on account of any transaction, matter, or thing concerning which she or he may testify or produce evidence, documentary or otherwise. Sections 584-11 and 584-12 shall apply in any action brought under this chapter.

(b) Testimony relating to sexual access to the mother by an unidentified man at any time or by an identified man at a time other than the probable time of conception of the child shall be inadmissible in evidence, unless offered by the mother.

(c) In an action against an alleged father, evidence offered by him with respect to a man who is not subject to the jurisdiction of the court concerning his sexual intercourse with the mother at or about the probable time of conception of the child shall be admissible in evidence only if he has undergone and made available to the

court blood tests the results of which do not exclude the possibility of his paternity of the child.”

SECTION 59. Section 605-16, Hawaii Revised Statutes, is amended to read:

“**Sec. 605-16 Judicial powers not affected.** Nothing in sections 605-14 to 605-17 shall diminish, alter, or affect the inherent or statutory power of the supreme court or of any court to institute and hear proceedings against any person for contempt or for violation of rules or orders of court, or affect any rules of any court already in force[, or make applicable to any proceedings brought under the sections the provisions of chapter 729].”

SECTION 60. Section 607-2, Hawaii Revised Statutes, is amended to read:

“**Sec. 607-2 Fees to be accounted for.** With the exception of such fees as are intended to reimburse officers for actual expenditures made by them, and subject to section [28-26,] 601-36, all judges’, clerks’, sheriffs’, and deputy sheriffs’ fees provided for in this chapter and accruing from any action pending in any court shall be deposited to the credit of the general fund of the State.”

SECTION 61. Section 657-32, Hawaii Revised Statutes, is amended to read:

“**Sec. 657-32 How computed.** If the right first accrued to any ancestor or predecessor of the person bringing the action or making the entry, or to any persons from, by, or under whom he claims, the [ten] twenty years shall be computed from the time when the right first accrued to the ancestor, predecessor, or other persons.”

SECTION 62. Section 657-34, Hawaii Revised Statutes, is amended to read:

“**Sec. 657-34 Disabilities.** If, when right of entry or of action first accrues as aforesaid, the person entitled to the entry or action is within the age of eighteen years, or insane, or imprisoned, such person, or anyone claiming from, by, or under him, may make the entry or bring the action at any time within five years after the disability is removed, notwithstanding the [ten] twenty years before limited in that behalf, have expired.”

SECTION 63. Section 657-35, Hawaii Revised Statutes, is amended to read:

“**Sec. 657-35 Extension of time by death.** If the person first entitled to make the entry or bring the action dies during the continuance of any of the disabilities mentioned in section 657-34, the entry may be made or the action brought by his heirs, or any other person claiming from, by, or under him, at any time within five years after his death, notwithstanding the [ten] twenty years have expired.”

SECTION 64. Section 704-404(1), Hawaii Revised Statutes, is reenacted to read:

“(1) Whenever the defendant has filed a notice of intention to rely on the defense of physical or mental disease, disorder, or defect excluding responsibility, or there is reason to doubt his fitness to proceed, or reason to believe that the physical or mental disease, disorder, or defect of the defendant will or has become an issue in the case, the court may immediately suspend all further proceedings in the prosecution. If a trial jury has been empanelled, it shall be discharged or retained at the discretion of the court. The dismissal of the trial jury shall not be a bar to further prosecution.”

SECTION 65. Section 706-603, Hawaii Revised Statutes, is amended to read:

**“Sec. 706-603 Pre-sentence psychiatric, psychological, and medical examination.** Before suspending or imposing sentence, the court may order a defendant who has been convicted of a felony or misdemeanor to submit to psychiatric, psychological, and other medical observation and examination for a period not exceeding sixty days or such longer period, not to exceed the length of permissible imprisonment, as the court determines to be necessary for the purpose. The defendant may be remanded for this purpose to any available clinic or hospital, intake service center, or community correctional center and, in addition thereto or in the alternative, the court may appoint one or more qualified psychiatrists, physicians, or certified clinical psychologists to make the examination. If a single examiner is appointed, he shall be a qualified psychiatrist. If two or more examiners are appointed, at least one shall be a qualified psychiatrist and not more than one shall be a certified clinical psychologist. The report of the examination shall be submitted to the court.”

SECTION 66. Section 712-1244, Hawaii Revised Statutes, is amended by amending subsection (1) to read:

“(1) A person commits the offense of promoting a harmful drug in the first degree if he knowingly:

- (a) Possesses four hundred or more capsules or tablets containing one or more of the harmful drugs or one or more of the marijuana concentrates, or any combination thereof; or
- (b) Possesses one or more preparations, compounds, mixtures, or substances, of an aggregate weight of one ounce or more containing one or more of the harmful drugs or one or more of the marijuana concentrates, or any combination thereof; or
- (c) Distributes fifty or more capsules or tablets containing one or more of the harmful drugs or one or more of the marijuana concentrates, or any combination thereof; or
- (d) Distributes one or more preparations, compounds, mixtures, or substances, of an aggregate weight of one-eighth ounce or more, containing one or more of the harmful drugs or one or more of the marijuana concentrates, or any combination thereof; or
- (e) Distributes any harmful drug or any marijuana concentrate in any amount to a minor who is at least three years his junior.”

SECTION 67. All acts passed by the legislature during this Regular Session of 1979, whether enacted before or after the effective date of this Act, shall be amended to conform with this Act unless such acts specifically provide that this Act is being amended.

SECTION 68. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 69. This Act shall take effect upon its approval.

(Approved May 25, 1979.)

A Bill for an Act Relating to Crimes.

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

SECTION 1. Chapter 707, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**“PART  
EXTORTION**

**Sec. 707- Definitions.** For the purposes of this chapter: (1) “An extortionate means” is any means which involves the use, or an express or implicit threat of the use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(2) “Creditor”, with reference to any given extension of credit, refers to any person making that extension of credit, or to any person claiming by, under, or through any person making that extension of credit.

(3) “Debtor”, with reference to any given extension of credit, refers to any person to whom that extension of credit is made, or to any person who guarantees the repayment of that extension of credit, or in any manner undertakes to indemnify the creditor against loss resulting from the failure of any person to whom that extension of credit is made to repay the same.

(4) “Repayment of any extension of credit” includes the repayment, satisfaction, or discharge in whole or in part of any debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(5) “To collect an extension of credit” means to induce in any way any person to make repayment thereof.

(6) “To extend credit” means to make or renew any loan or to enter into any agreement, tacit or express, whereby the repayment or satisfaction of any debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or will be deferred.

**Sec. 707- Extortionate extension of credit; prima facie evidence.** (1) An extortionate extension of credit is any extension of credit with respect to which it is the understanding of the creditor and the debtor at the time it is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(2) In any prosecution under this chapter, if it is shown that all of the following factors were present in connection with the extension of credit in question, there is prima facie evidence that the extension of credit was extortionate, but this section is nonexclusive and in no way limits the effect or applicability of subsection (1):

(a) The repayment of the extension of credit, or the performance of any promise given in consideration thereof, would be unenforceable, through civil judicial processes against the debtor:

(i) in the jurisdiction within which the debtor, if a natural person, resided; or

- (ii) in every jurisdiction within which the debtor, if other than a natural person, was incorporated or qualified to do business at the time the extension of credit was made;
  - (b) The extension of credit was made at a rate of interest in excess of a yearly rate of forty-five per cent calculated according to the actuarial method of allocating payments made on a debt between principal and interest, pursuant to which payment is applied first to the accumulated interest and the balance applied to the unpaid principal;
  - (c) At the time the extension of credit was made, the debtor reasonably believed that either:
    - (i) one or more extensions of credit by the creditor had been collected or attempted to be collected by extortionate means, or the nonrepayment thereof had been punished by extortionate means; or
    - (ii) the creditor had a reputation for the use of extortionate means to collect extensions of credit or to punish the nonrepayment thereof; and
  - (d) Upon the making of the extension of credit, the total of the extensions of credit by the creditor to the debtor then outstanding, including any unpaid interest or similar charges, exceeded \$100.
- (3) In any prosecution under this chapter, if evidence has been introduced tending to show the existence of any of the circumstances described in subparagraphs (2)(a) or (2)(b) of this section, and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then for the purpose of showing the understanding of the debtor and the creditor at the time the extension of credit was made, the court may in its discretion allow evidence to be introduced tending to show the reputation as to collection practices of the creditor in any community of which the debtor was a member at the time of the extension.

**Sec. 707- Financing extortionate extensions of credit.** "Financing extortionate extensions of credit" includes wilfully advancing money or property, whether as a gift, as a loan, as an investment, pursuant to a partnership or profit-sharing agreement, or otherwise to any person, with reasonable grounds to believe that it is the intention of that person to use the money or property so advanced directly or indirectly for the purpose of making extortionate extensions of credit.

**Sec. 707- Collection of extensions of credit by extortionate means.** "Collection of extensions of credit by extortionate means" includes:

- (1) Knowingly participating in any way, or conspiring to do so, in the use of any extortionate means:
  - (a) To collect or attempt to collect any extension of credit; or
  - (b) To punish any person for the nonrepayment thereof.
- (2) In any prosecution under this chapter, for the purpose of showing an implicit threat as a means of collection, evidence may be introduced tending to show that one or more extensions of credit by the creditor were, to the knowledge of the person against whom the implicit threat was alleged to have been made, collected or attempted to be collected by extortionate means or that the nonrepayment thereof was punished by extortionate means.

(3) In any prosecution under this chapter, if evidence has been introduced tending to show the existence, at the time the extension of credit in question was made, of the circumstances described in subparagraph (2)(a) or subparagraph (2)(b) of this section and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then for the purpose of showing that words or other means of communication, shown to have been employed as a means of collection, in fact carried an express or implicit threat, the court may in its discretion allow evidence to be introduced tending to show the reputation of the defendant in any community of which the person against whom the alleged threat was made was a member at the time of collection or attempt at collection.

**Sec. 707- Extortion.** A person commits extortion if he does any of the following:

- (1) Obtains, or exerts control over, the property or services of another with intent to deprive him of the property or services by threatening by word or conduct to:
  - (a) Cause bodily injury in the future to the person threatened or to any other person; or
  - (b) Cause damage to property; or
  - (c) Subject the person threatened or any other person to physical confinement or restraint; or
  - (d) Commit a penal offense; or
  - (e) Accuse some person of any offense or cause a penal charge to be instituted against some person; or
  - (f) Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt, or ridicule, or to impair his credit or business repute; or
  - (g) Reveal any information sought to be concealed by the person threatened or any other person; or
  - (h) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
  - (i) Take or withhold action as a public servant, or cause a public servant to take or withhold such action; or
  - (j) Bring about or continue a strike, boycott, or other similar collective action, to obtain property which is not demanded or received for the benefit of the group which the defendant purports to represent; or
  - (k) Do any other act which would not in itself substantially benefit the defendant but which is calculated to harm substantially some person with respect to his health, safety, business, calling, career, financial condition, reputation, or personal relationships; or
- (2) Intentionally compels or induces another person to engage in conduct from which he has a legal right to abstain or to abstain from conduct in which he has a legal right to engage by threatening by word or conduct to do any of the actions set forth in paragraphs (a) through (k) of this section; or
- (3) Makes or finances any extortionate extension of credit, or collects any extension of credit by extortionate means.

**Sec. 707- Extortion in the first degree.** (1) A person commits the offense of extortion in the first degree if he commits extortion:

- (a) Of property or services the value of which exceeds \$200 in total during any twelve-month period; or
  - (b) By making or financing any extortionate extension of credit, or by collecting any extension of credit by extortionate means.
- (2) Extortion in the first degree is a class B felony.

**Sec. 707- Extortion in the second degree.** (1) A person commits the offense of extortion in the second degree if he commits extortion:

- (a) Of property or services the value of which exceeds \$50 during any twelve-month period;
  - (b) As set forth in section 707- (2).
- (2) Extortion in the second degree is a class C felony.

**Sec. 707- Extortion in the third degree.** (1) A person commits the offense of extortion in the third degree if he commits extortion of property or services.

- (2) Extortion in the third degree is a misdemeanor.

**Sec. 707- Firearms, explosives, and dangerous weapons.** Extortion in any degree is a class A felony when a firearm, explosive, or any dangerous weapon is immediately available and is physically used as part of the threat.

**Sec. 707- Defenses to extortion.** (1) It is a defense to a prosecution for extortion as defined by paragraph (1) of section 707- that the defendant:

- (a) Was unaware that the property or service was that of another; or
- (b) Believed that he was entitled to the property or services under a claim or right or that he was authorized, by the owner or by law, to obtain or exert control as he did.

(2) If the owner of the property is the defendant's spouse it is a defense to a prosecution for extortion under paragraph (1) of section 707- that:

- (a) The property which is obtained or over which unauthorized control is exerted constitutes household belongings; and
- (b) The defendant and his spouse were living together at the time of the conduct.

(3) "Household belongings" means furniture, personal effects, vehicles, or money or its equivalent in amounts customarily used for household purposes, and other property usually found in and about the common dwelling and accessible to its occupants.

(4) It is an affirmative defense to a prosecution for extortion as defined by paragraphs (1) and (2) of section 707- and as further defined by subparagraphs (e), (f), (g), and (i), that the defendant believed the threatened accusation, penal charge, or exposure to be true, or the proposed action of a public servant was justified, and that his sole intention was to compel or induce the victim to give property or services to the defendant due him as restitution or indemnification for harm done, or as compensation for property obtained or lawful services performed, or to induce the victim to take reasonable action to prevent or to remedy the wrong which was the subject of the threatened accusation, charge, exposure, or action of a public servant in circumstances to which the threat relates.

(5) In a prosecution for extortion as defined by paragraph (1) of section 707- , it is not a defense that the defendant has an interest in the property if the owner has an



interest in the property to which the defendant is not entitled.”

SECTION 2. Section 707-724, Hawaii Revised Statutes, is repealed.

SECTION 3. Section 707-725, Hawaii Revised Statutes, is repealed.

SECTION 4. Section 708-800, Hawaii Revised Statutes, is amended by deleting the definition “extortion”.

SECTION 5. Section 708-830 is amended to read as follows:

“**Sec. 708-830 Theft.** A person commits theft if he does any of the following:

- (1) Obtains or exerts unauthorized control over property. He obtains, or exerts control over, the property of another with intent to deprive him of the property.
- (2) Property obtained or control exerted through deception. He obtains, or exerts control over, the property of another by deception with intent to deprive him of the property.
- (3) Appropriation of property. He obtains, or exerts control over, the property of another which he knows to have been lost or mislaid, or to have been delivered under a mistake as to the nature or amount of the property, the identity of the recipient, or other facts, and, with the intent to deprive the owner of the property, he fails to take reasonable measures to discover and notify him.
- (4) Obtaining services by deception. He intentionally obtains services, known by him to be available only for compensation, by deception, false token, or other means to avoid payment for the services. Where compensation for services is ordinarily paid immediately upon the rendering of them, absconding without payment or offer to pay is prima facie evidence that the services were obtained by deception.
- (5) Diversion of services. Having control over the disposition of services of another to which he is not entitled, he intentionally diverts those services to his own benefit or to the benefit of a person not entitled thereto.
- (6) Failure to make required disposition of funds.
  - (a) He intentionally obtains property from anyone upon an agreement, or subject to a known legal obligation, to make specified payment or other disposition, whether from the property or its proceeds or from his own property reserved in equivalent amount, and deals with the property as his own and fails to make the required payment or disposition. It does not matter that it is impossible to identify particular property as belonging to the victim at the time of the defendant’s failure to make the required payment or disposition. A person’s status as an officer or employee of the government or a financial institution is prima facie evidence that he knows his legal obligations with respect to making payments and other dispositions. If the officer or employee fails to pay or account upon lawful demand, or if an audit reveals a falsification of accounts, it shall be prima facie evidence that he has intentionally dealt with the property as his own.
  - (b) He obtains personal services from an employee upon agreement or subject to a known legal obligation to make a payment or other disposi-

tion of funds to a third person on account of the employment, and he intentionally fails to make the payment or disposition at the proper time.

- (7) Receiving stolen property. He intentionally receives, retains, or disposes of the property of another, knowing that it has been stolen, with intent to deprive the owner of the property. It is prima facie evidence that a person knows the property to have been stolen if, being a dealer in property of the sort received, he acquires the property for a consideration which he knows is far below its reasonable value.
- (8) Shoplifting.
- (a) He conceals or takes possession of the goods or merchandise of any store or retail establishment, with intent to defraud.
- (b) He alters the price tag or other price marking on goods or merchandise of any store or retail establishment, with intent to defraud.
- (c) He transfers the goods or merchandise of any store or retail establishment from one container to another, with intent to defraud.

The unaltered price or name tag or other marking on goods or merchandise, or duly identified photographs thereof, shall be prima facie evidence of value and ownership of such goods or merchandise. Photographs of the goods or merchandise involved, duly identified in writing by the arresting police officer as accurately representing such goods or merchandise, shall be deemed competent evidence of the goods or merchandise involved and shall be admissible in any proceedings, hearings, and trials for shoplifting, to the same extent as the goods or merchandise themselves."

SECTION 6. Section 708-831, Hawaii Revised Statutes, is amended by amending subsection (2) as follows:

"(2) Theft in the first degree is a class C felony."

SECTION 7. Section 708-832, Hawaii Revised Statutes, is amended by amending subsection (2) as follows:

"(2) Theft in the second degree is a misdemeanor."

SECTION 8. Section 708-834, Hawaii Revised Statutes, is amended to read as follows:

**"Sec 708-834 Defenses: unawareness of ownership; claim of right; household belongings.** (1) It is a defense to a prosecution for theft that the defendant:

- (a) Was unaware that the property or service was that of another; or  
 (b) Believed that he was entitled to the property or services under a claim of right or that he was authorized, by the owner or by law, to obtain or exert control as he did.

(2) If the owner of the property is the defendant's spouse, it is a defense to a prosecution for theft of property that:

- (a) The property which is obtained or over which unauthorized control is exerted constitutes household belongings; and  
 (b) The defendant and his spouse were living together at the time of the conduct.

(3) "Household belongings" means furniture, personal effects, vehicles,

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money or its equivalent in amounts customarily used for household purposes, and other property usually found in and about the common dwelling and accessible to its occupants.”

SECTION 9. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 10. This Act shall take effect upon its approval.

(Approved May 25, 1979.)

**ACT 107**

H.B. NO. 1432

A Bill for an Act Relating to Mopeds.

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

SECTION 1. 291C-194, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 291C-194 Driver’s license required.** (a) No person shall drive a moped unless he:

(1) Possesses a valid driver’s license of any category listed in section 286-102 provided that if he applies for a driver’s license solely to operate a moped, he may use a moped to meet the licensing requirements in section 286-102 and shall be licensed in the same category as motor scooters. After meeting the licensing requirements, he shall also be licensed to operate motor scooters.

(2) Meets the requirements of section 286-105(3).

(b) The driver of a moped shall, upon the demand of a police officer, exhibit his driver’s license or instruction permit.

SECTION 2. Section 291C-202, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 291C-202 Moped equipment requirements and inspection.** (a) Every moped offered for sale for use upon, sold for use upon, or used upon the roadway and highways shall be equipped with:

(1) A motor having a maximum power output capability, measured at the motor output shaft, in accordance with the Society of Automotive Engineers standards, of one and one-half horsepower (one thousand, one hundred nineteen watts) or less and, if it is a combustion engine, a maximum piston or rotor displacement of 3.05 cubic inches (fifty cubic centimeters) and which will propel the moped, unassisted, on a level surface at a maximum speed no greater than thirty-five miles per hour (fifty-eight kilometers per hour); and

(2) A direct or automatic power drive system which requires no clutch or gear

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

shift operation by the moped driver after the drive system is engaged with the power unit.

(b) The director of transportation by rules and regulations, pursuant to chapter 91, shall establish criteria which shall comply with approved federal regulations for the following moped equipment: brake system; fuel system components; exhaust system components; steering system; handlebars; wheel rims; fenders; a guard or protective covering for drive belts, chains and rotating components; seat or saddle; lamps and reflectors; equipment controls; speedometer; retracting stand; horn; and identification markings.

(c) The director of transportation by rules and regulations, pursuant to chapter 91, shall establish criteria and procedures for the annual safety inspection of every moped. Safety inspection criteria shall include the criteria established by the director of transportation under subsection (b).''

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 25, 1979.)

## ACT 108

H.B. NO. 1646

A Bill for an Act Relating to Highway Safety.

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

SECTION 1. Section 286-105, Hawaii Revised Statutes, is amended to read:

“**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 person who is at least eighteen years of age and who has in his possession a valid driver's license issued to him in any other state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, U.S. Virgin Islands, American Samoa, Guam, or a province of the Dominion of Canada for that category of motor vehicle which he is operating, except, that such persons operating vehicles in categories 4 through 10

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

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must meet the requirements of section 286-102(c) and be tested as required in section 286-108.5.”

SECTION 2. New statutory material is underscored.\*

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

(Approved May 25, 1979.)

ACT 109

H.B. NO. 1647

A Bill for an Act Relating to Additional Support to the University of Hawaii from Extramural Funds.

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

SECTION 1. Section 304-8.1, Hawaii Revised Statutes is amended to read:

“**Sec. 304-8.1 Research and training revolving fund.** There is hereby established a University of Hawaii research and training revolving fund into which shall be deposited a maximum of \$600,000 annually from indirect overhead sources on account of all university held federal and other research and training contracts and grants. The board of regents of the University of Hawaii, upon approval of the governor or the director of finance, if so delegated, is authorized to expend funds deposited in the research and training revolving fund for research and training purposes which may result in additional research and training grants and contracts and for purposes of facilitating research and training at the university.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 25, 1979.)

ACT 110

H.B. NO. 1716

A Bill for an Act Relating to Emblems and Symbols.

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

SECTION 1. Chapter 5, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**Sec. 5- State marine mammal.** The humpback whale is established and designated as the official marine mammal of the State, to be effective so long as the legislature of the State does not otherwise provide.”

SECTION 2. New statutory material is underscored.\*

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

(Approved May 25, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

A Bill for an Act Relating to the Judiciary.

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

**SECTION 1. Purpose.** The purpose of this Act is to implement Article VI of the Constitution of the State of Hawaii as amended by the voters of Hawaii at the general election of 1978 and pertaining to Intermediate Appellate Court.

**SECTION 2.** Chapter 602, Hawaii Revised Statutes, is amended to read as follows:

## “CHAPTER 602 COURTS OF APPEAL

### PART 1. SUPREME COURT

**Sec. 602-1 How constituted.** The supreme court, pursuant to section 2 of article V of the Constitution, shall consist of a chief justice and four associate justices.

**Sec. 602-2 Salary, supreme court justices.** Effective July 1, 1975, the compensation of the chief justice of the supreme court shall be \$45,125 a year and the compensation of the associate justices of the supreme court shall be \$41,400 a year. Effective January 1, 1976, the compensation of the chief justice of the supreme court shall be \$47,500 a year and the compensation of the associate justices of the supreme court shall be \$45,000 a year.

**Sec. 602-3 Absence, disability, etc., of chief justice.** Wherever, by the provisions of any law of the State, any act is required to be performed by the chief justice of the supreme court, the act may (unless otherwise expressly provided) be performed, in case of a vacancy in the office of chief justice, or if he is ill, absent, or otherwise unable to serve, by an associate justice of the court designated in accordance with the rules of the supreme court.

**Sec. 602-4 Superintendence of inferior courts.** The supreme court shall have the general superintendence of all courts of inferior jurisdiction to prevent and correct errors and abuses therein where no other remedy is expressly provided by law.

**Sec. 602-5 Jurisdiction and powers.** The supreme court shall have jurisdiction and powers as follows:

- (1) To hear and determine all questions of law, or of mixed law and fact, which are properly brought before it on any appeal allowed by law from any other court or agency;
- (2) To answer, in its discretion, any question of law reserved by a circuit court, the land court, or the tax appeal court, or any question or proposition of law certified to it by a federal appellate court if the supreme court shall so provide by rule;
- (3) To entertain, in its discretion, any case submitted without suit when there is a question in difference which might be the subject of a civil action or proceeding in the supreme court, circuit court, or tax appeal court, and the

- parties agree upon a case containing the facts upon which the controversy depends;
- (4) To exercise original jurisdiction in all questions arising under writs directed to courts of inferior jurisdiction and returnable before the supreme court, or if the supreme court consents to receive the case arising under writs of mandamus directed to public officers to compel them to fulfill the duties of their offices; and such other original jurisdiction as may be expressly conferred by law;
  - (5) To issue writs of habeas corpus, or orders to show cause as provided by chapter 660, returnable before the supreme court or a circuit court, and any justice may issue writs of habeas corpus or such orders to show cause, returnable as above stated;
  - (6) To make or issue any order or writ necessary or appropriate in aid of its appellate or original jurisdiction, and in such case any justice may issue a writ or an order to show cause returnable before the supreme court;
  - (7) To make and award such judgement, decrees, orders and mandates, issue such executions and other processes, and do such other acts and take such other steps as may be necessary to carry into full effect the powers which are or shall be given to it by law or for the promotion of justice in matters pending before it.
  - (8) All cases addressed to the jurisdiction of the supreme court or of the intermediate appellate court shall be filed with the supreme court as shall be provided by rule of court. The chief justice or his designee from any of the associate justices or the intermediate appellate judges, shall receive each case and shall assign the case either to the intermediate appellate court or to the supreme court within 20 days of the filing deadline for the last document permissible to be filed in the case pursuant to court rule.
  - (9) The supreme court may order the immediate reassignment of a case to itself after its assignment to the intermediate appellate court whenever the supreme court in its discretion deems that the case concerns an issue of imperative or of fundamental public importance.

**Sec. 602-6 Criteria for assignment of cases.** In assigning a case to the appropriate court of appeal under subsection 602-5(8), the chief justice or his designee may consider the following among other relevant matters and their substantiality in determining whether the case involves a question of such importance that it should be assigned to the supreme court:

- (1) Whether the case involves a question of first impression or presents a novel legal question; or
- (2) Whether the case involves a question of state or federal constitutional interpretation; or
- (3) Whether the case raises a question of law regarding the validity of a state statute, county ordinance, or agency regulation; or
- (4) Whether the case involves issues upon which there is an inconsistency in the decisions of the intermediate appellate court or of the supreme court; or
- (5) Whether the sentence in the case is life imprisonment without possibility of parole.

**Sec. 602-7 Oaths, subpoenas.** The supreme court may compel the attendance of witnesses and the production of books, papers, documents or tangible things, and any justice may administer oaths.

**Sec. 602-8 Terms.** There shall be an annual term commencing on the first Monday in October and continuing until adjourned or until the following term begins. Continued existence, adjournment or expiration of the term shall in no way affect the power of the court to do all acts or things and to take any proceeding. The court shall be deemed always open for filing papers, issuing and returning process and making motions or orders.

**Sec. 602-9 Sessions, where.** The supreme court shall sit in Honolulu; provided, that the chief justice may appoint a different place for the sitting of the court, pro tempore.

**Sec. 602-10 Full court; oral argument; substitute justices.** Parties shall be entitled to bring an appeal before a full court. Oral argument shall be before a full court; provided that in an appropriate case the court in its discretion may dispense with oral argument. In case of a vacancy, or if a justice of the supreme court is disqualified from sitting in any case pending before the supreme court, or is unable to attend, or is absent, or is recused or has been excused, the vacancy or the place of such justice may be temporarily filled by a circuit judge designated by the chief justice or by the appointment of a justice who has retired from the supreme court. Such retired justice chosen to serve as substitute justice shall not be actively engaged in the practice of law. A retired justice, when sitting as substitute justice, shall be compensated at a rate of pay of associate justices of the supreme court. When necessary, the court may consist of five circuit judges, so designated or five retired justices so appointed or any combination of circuit judges and retired justices. After oral argument of a case, if a vacancy arises or if for any other reason a justice is unable to continue on the case, the case may be decided or disposed of upon the concurrence of any three members of the court without filling the vacancy or the place of such justice.

**Sec. 602-11 Rules.** The supreme court shall have power to promulgate rules in all civil and criminal cases for all courts relating to process, practice, procedure and appeals, which shall have the force and effect of law. Such rules shall not abridge, enlarge, or modify the substantive rights of any litigant, nor the jurisdiction of any of the courts, nor affect any statute of limitations.

Whenever in a statute it is provided that the statute is applicable "except as otherwise provided," or words to that effect, these words shall be deemed to refer to provisions of the rules of court as well as other statutory provisions."

SECTION 3. Chapter 602, Hawaii Revised Statutes, is amended by adding a new part to read as follows:

#### **"PART 2. INTERMEDIATE APPELLATE COURT**

**Sec. 602-12 How constituted.** The intermediate appellate court shall consist of a chief judge and two associate judges. The chief judge, who shall be specifically selected, shall supervise the administrative duties of the court.



**Sec. 602-13 Salary.** The compensation of the chief judge of the intermediate appellate court shall be \$45,000 a year and the compensation of the associate judges shall be \$43,750 a year.

**Sec. 602-14 Terms.** There shall be an annual term commencing on the first Monday in October and continuing until adjourned or until the following term begins. Continued existence, adjournment, or expiration of the term shall in no way affect the power of the court to do all acts or things and to take any proceeding. The court shall be deemed always open for filing papers, issuing and returning process, and making motions or orders.

**Sec. 602-15 Session, where.** The intermediate appellate court shall sit in Honolulu; provided that the chief judge may appoint a different place for the sitting of the court, pro tempore.

**Sec. 602-16 Panels; substitute judge.** Parties shall be entitled to a hearing before a panel of not less than three intermediate appellate judges. In the event the number of available intermediate appellate judges is insufficient to make up a panel because of vacancy or disqualification, the chief justice of the supreme court may designate circuit judges or retired judges to temporarily fill such need. The assignment to a panel shall rest in the discretion of the chief judge. A judge serving temporarily shall not be actively engaged in the practice of law. Substitute judges shall be compensated per diem at a rate of pay equivalent to that of associate intermediate appellate judges.

**Sec. 602-17 Absence, disability, of the chief judge.** Whenever, by the provisions of any law of the State, any act is required to be prepared by the chief judge of the intermediate appellate court, the act may be performed, in case of a vacancy, or illness, absence or disability, by an associate judge designated in accordance with the rules of the supreme court.

**Sec. 602-18 Jurisdiction.** The intermediate appellate court shall have concurrent jurisdiction with the supreme court on all matters set out in subsections (1) through (7) of section 602-5, subject to assignment of cases set out in subsection 602-5(8).

**Sec. 602-19 Motion for certificates of reassignment to the supreme court.**

(a) The intermediate appellate court may entertain a motion at any time before its issuance of a decision, requesting reassignment of the case to the supreme court.

(b) The moving party shall state the grounds of such motion indicating how the case on appeal involves a question of such importance as to warrant a direct appeal to the supreme court.

(c) The issuance of a certificate for reassignment to the supreme court shall be discretionary upon the intermediate appellate court, and acceptance or rejection of such certification shall be discretionary upon the supreme court. Neither the failure to issue such certification by the intermediate appellate court or the rejection of such certification by the supreme court shall be subject to appeal.

**Sec. 602-20 Appeals from decision of the intermediate appellate court, certiorari.** (a) After issuance of a decision by the intermediate appellate court, a party may appeal such decision only by application to the supreme court for a writ of

certiorari, the acceptance or rejection of which shall be discretionary upon the supreme court.

(b) The application for writ of certiorari shall tersely state its grounds which must include (1) grave errors of law or of fact, or (2) obvious inconsistencies in the decision of the intermediate appellate court with that of the supreme court, federal decisions, or its own decision, and the magnitude of such errors or inconsistencies dictating the need for further appeal.

(c) An application for writ of certiorari may be filed with the supreme court no later than 10 days after the filing of the decision of the intermediate appellate court; the supreme court shall determine to accept the application within 10 days of its filing. The failure of the supreme court to accept within 10 days shall constitute a rejection of the application.

(d) Upon the acceptance of the application, the clerk of the intermediate appellate court shall forward the complete file of the case to the clerk of the supreme court. Supplemental briefs shall be accepted from the parties only upon the request of the supreme court."

SECTION 4. Chapter 606, Hawaii Revised Statutes, is amended as follows:

1. Section 606-1 is amended to read as follows:

**"Sec. 606-1 Clerks of supreme court, intermediate appellate court, circuit courts, and district courts; appointment and removal.** (a) Subject to the provisions of chapter 76, when applicable:

- (1) There shall be a clerk of the supreme court and as many deputy clerks and assistant clerks as the business of the supreme court requires, appointed and removable by the justices of the supreme court.
- (2) There shall be a clerk of the intermediate appellate court and as many deputy clerks and assistant clerks as the business of such court requires, appointed and removable by the judges of the intermediate appellate court.
- (3) There shall be as many clerks of the circuit courts as may be necessary, appointed and removable by the judge or administrative judge thereof, as the case may be. The appointment of a clerk of a particular division may be made by the judge of that division.
- (4) There shall be as many clerks of the district courts as may be necessary, appointed and removable by the judge or administrative judge thereof, as the case may be.

(b) The respective clerks of the supreme court, intermediate appellate court, circuit courts, and district courts shall be ex officio clerks of all the courts of records, and as such may issue process returnable in all such courts."

2. Section 606-4 is amended to read as follows:

**"Sec. 606-4 Custody; disposition of exhibits.** The clerks of the supreme, intermediate appellate, circuit, and district courts shall have the custody of all records, books, papers, moneys, exhibits, and other things pertaining to their respective courts.

The clerks shall have the authority and power, upon the written approval of a judge of the court given in particular actions or proceedings, to sell, destroy, or otherwise dispose of exhibits and things marked for identification, other than origi-

nal files belonging to other actions, which have come into their possession or custody under this section, when such exhibits or things have not been already returned to their owners and when more than one year has elapsed since the final termination of the action to which the exhibits or things are related; provided that the clerk shall first give notice in writing of the things that are proposed to be disposed of, stating that the same are to be disposed of if not claimed and removed from the court by a day certain, such notice to be addressed to the party or the attorney of the party who introduced the exhibits or things in evidence or left them in the custody of the court, at his last known address; and provided further that the clerk shall file an affidavit as to such notice and a list of the exhibits or things to be destroyed or otherwise disposed of under this section and the disposition thereof, with the action or proceeding to which the same belong.

All moneys received from sales under this section shall be forthwith deposited with the state director of finance as government realizations.”

SECTION 5. Chapter 607, Hawaii Revised Statutes, is amended as follows:

1. By adding a new section to be appropriately designated and to read as follows:

“**Sec. 607- Intermediate appellate court costs.** Upon the institution of any proceeding in the courts of appeal, there shall be paid to the clerk of the supreme court by the person instituting proceeding, as costs of court, such sum as is specified in section 607-6, provided that the filing fee for any proceeding to be heard by the courts of appeal shall be payable only once upon the initial filing of the proceeding.

2. Section 607-6, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 607-6 Appellate court costs.** (a) All proceedings in the courts of appeal shall be filed in the supreme court. Upon the filing of any appeal, or the institution of any original suit, action, or other proceeding in the supreme court, there shall be paid to the clerk of the supreme court by the person filing such appeal, or instituting the suit, action, or other proceeding, as costs of court, the sum of . . . . . \$50.

(b) In addition to the costs of court enumerated in subsection (a), the clerk of the supreme court shall charge and collect, for miscellaneous services performed by him, the following sums:

- (1) For filing any paper not in a pending suit, action, or other proceeding . . . \$3
- (2) For issuing any subpoena, for each witness to be served . . . . . \$3
- (3) All amounts necessary to cover actual costs or disbursements for printing, publishing, or posting notice, service fees, mileage charges, or other services actually performed.”

3. Section 607-7 is amended to read as follows:

“**Sec. 607-7 Deposit and payment of costs on appeal.** All costs required to be paid upon the filing of any appeal shall be deposited with the clerk of the court from which the appeal is taken, which deposit shall be transmitted to the clerk of the supreme court together with the record of the appeal; provided that the filing fee for an appeal whether to be heard by the supreme court, intermediate appellate court, or both, shall be payable only once upon the initial filing of the appeal. The deposit shall be made at the time of filing the notice of appeal.

Where the appeal is from a governmental official or body other than a court, the

required payment of costs for filing the appeal shall be made to the clerk of the court to which the appeal is taken except as otherwise provided; provided that the filing fee for an appeal, to be heard by the supreme court, the intermediate appellate court, or both, shall be transmitted to the clerk of the supreme court, and further provided that the filing fee shall be payable only once upon the initial filing of the appeal.”

4. Section 607-8 is amended to read as follows:

**“Sec. 607-8 Sheriff’s or serving or levying officer’s fees in circuit court, intermediate appellate court, or supreme court.** For all necessary travel in making such service, per mile for every mile more than one . . . 15 cents provided that:

- (1) No such allowance shall be made where such serving officer uses a conveyance furnished him by the State, or any political or municipal subdivision thereof;
- (2) Where the serving officer serves more than one person in the course of one trip, he shall not charge, in the aggregate for all such services more than the mileage for the entire trip; and
- (3) As far as practicable, in order to minimize the mileage fees for such service, the sheriff or other chief of the serving officers, where service of process is to be made upon an island other than that upon which is situated the court issuing such process, shall cause such process to be transmitted to a deputy, the chief of police or other serving officer upon the island of service who shall make such service upon receipt of such process; and such service shall be valid, notwithstanding that the process may not be addressed to the officer actually making such service or to his superior.

For serving criminal summons or any other criminal process except a subpoena, for each person served therewith . . . . . \$10.

For serving civil summons or any other civil process, except a subpoena or a garnishee summons, for each person served therewith . . . . . \$6 effective July 1, 1978 and \$7 effective July 1, 1979.

For serving subpoena or garnishee summons, for each person . . . . . \$5.

For returning as unserved after due and diligent search any process when it has been found that the person to be served has left the State . . . . . \$2.

For serving any execution or other process for the collection of money, for every dollar collected up to \$500 . . . . . 5 cents.

And for every dollar over \$500 . . . . . 2-½ cents.

All fees paid to any printer for publishing an advertisement of the sale of any property;

For every bill of sale . . . . . \$1.

For executing and acknowledging a deed pursuant to a sale of real estate to be paid by the grantee in such deed . . . . . \$5.

For drawing any bond required by law . . . . . \$1.

For serving writ of possession or restitution, putting any person entitled into the possession of premises, and removing a tenant pursuant to order of court . . . . . \$1.

Together with all necessary expenses incurred by the officer serving the writ, incident to the eviction.

For selling any property on an order from the court other than an execution, the same allowance as for service and sales by execution.

The fees for service of executions, attachments, and collection of judgments, together with all costs incurred after judgment rendered, not included in the judgment, shall, in all the courts of the State, be collected in addition to the sum directed to be levied and collected in the writ.

Anything in this section or any other law to the contrary notwithstanding, when any process or subpoena is served by a subordinate of the sheriff or chief of police, it shall be illegal for the sheriff or chief of police (1) if and so long as he is being paid a salary by the State or the county to receive or collect from such subordinate any portion of the fees, mileage, or other expenses collected by such subordinate, or (2) if and so long as such sheriff or chief of police is not being paid any such salary, to collect or receive from such subordinate more than ten per cent of the fees accruing from such service, or any portion of the mileage or other expenses collected by such subordinate. Where a subpoena is served in behalf of the State or any county a nonsalaried subordinate of the sheriff or chief of police, the regular fee for such service shall be payable to such subordinate. Nothing herein contained shall be deemed to prohibit the police commission of any county from requiring all such fees, mileage, and expenses be paid into a police benefit fund."

SECTION 6. Chapter 641, Hawaii Revised Statutes, is amended as follows:

1. Section 641-1 is amended by amending subsection (a) to read as follows:

"(a) Appeals shall be allowed in civil matters from all final judgments, orders, or decrees of circuit and district courts and the land court, to the supreme court or to the intermediate appellate court, except as otherwise provided by law and subject to the authority of the intermediate appellate court to certify reassignment of a matter directly to the supreme court and subject to the authority of the supreme court to reassign a matter to itself from the intermediate appellate court."

2. Section 641-11 is amended to read as follows:

"**Sec. 641-11 From circuit courts.** Any party deeming himself aggrieved by the judgment of a circuit court in a criminal matter, may appeal to the supreme court, subject to chapter 602 in the manner and within the time provided by the Hawaii Rules of Criminal Procedure. The sentence of the court in a criminal case shall be the judgment. All appeals, whether heard by the intermediate appellate court or the supreme court, shall be filed with the clerk of the supreme court and shall be subject to one filing fee."

3. Section 641-12 is amended to read as follows:

"**Sec. 641-12 From district courts.** Appeals upon the record shall be allowed from all final decisions and final judgments of district courts in all criminal matters. Such appeals may be made to the supreme court, subject to chapter 602 whenever the party appealing shall file notice of his appeal within thirty days, or such other time as may be provided by the rules of the court.

Within a reasonable time after an appeal has been perfected from a decision of a district court to the appellate court in a criminal matter, it shall be incumbent upon the district court to make a return thereof, together with all papers and exhibits filed in such case.

It shall be the duty of the respective clerk of the supreme or the intermediate appellate court whichever has heard the appeal, to transmit within a reasonable time

to the district court from whose decision the appeal was made, a statement showing the disposition of the case.

All appeals, whether heard by the intermediate appellate court or the supreme court, shall be filed with the clerk of the supreme court and shall be subject to one filing fee.”

4. Section 641-13 is amended to read as follows:

“**Sec. 641-13 By State in criminal cases.** An appeal may be taken by and on behalf of the State from the district or circuit courts to the supreme court, subject to chapter 602, in all criminal cases, in the following instances:

- (1) From an order or judgment quashing, setting aside, or sustaining a motion to dismiss, any indictment or information or any count thereof;
- (2) From an order or judgment, sustaining a special plea in bar, or dismissing the case where the defendant has not been put in jeopardy;
- (3) From an order granting a new trial;
- (4) From an order arresting judgment;
- (5) From a ruling on a question of law adverse to the State where the defendant was convicted and appeals from the judgment;
- (6) From the sentence, on the ground that it is illegal;
- (7) From a pre-trial order granting a motion for the suppression of evidence, including a confession or admission, or the return of property in which case the intermediate appellate court or the supreme court, as the case may be, shall give priority to such an appeal and the order shall be stayed pending the outcome of the appeal;
- (8) From an order denying a request by the State for protective order for nondisclosure of witness for their personal safety under Rule 16(e)(4) of the Hawaii Rules of Penal Procedure, in which case the intermediate appellate court or the supreme court, as the case may be, shall give priority to such appeal and the order shall be stayed pending outcome of such appeal;

provided that no appeal shall be taken by or allowed the State in any case where there has been a verdict in favor of the defendant.”

5. Section 641-16 is amended to read as follows:

“**Sec. 641-16 Judgment; no reversal when.** The supreme court, or the intermediate appellate court, as the case may be, may affirm, reverse, or modify the order, judgment, or sentence of the trial court in a criminal matter. It may enter such order, judgment, or sentence, or may remand the case to the trial court for the entry of the same or for such other or further proceedings, as in its opinion the facts and law warrant. It may correct any error appearing on the record.

In case of a conviction and sentence in a criminal case, if in its opinion the sentence is illegal or excessive it may correct the sentence to correspond with the verdict or finding or reduce the same, as the case may be. In case of a sentence to imprisonment for life not subject to parole, the court shall review the evidence to determine if the interests of justice require a new trial, whether the insufficiency of the evidence is alleged as error or not. Any order, judgment, or sentence entered by the court may be enforced by it or remitted for enforcement by the trial court.

No order, judgment, or sentence shall be reversed or modified unless the court is of the opinion that error was committed which injuriously affected the substantial

rights of the appellant. Nor shall there be a reversal in any criminal case for any defect of form merely in any indictment or information or for any matter held for the benefit of the appellant or for any finding depending on the credibility of witnesses or the weight of the evidence. Except as otherwise provided by the rules of court, there shall be no reversal for any alleged error in the admission or rejection of evidence or the giving of or refusing to give an instruction to the jury unless such alleged error was made the subject of an objection noted at the time it was committed or brought to the attention of the court in another appropriate manner.”

6. Section 641-17 is amended to read as follows:

**“Sec. 641-17 Interlocutory appeals from circuit courts, criminal matters.**

Upon application made within the time provided by the rules of the supreme court, an appeal in a criminal matter may be allowed to a defendant from the circuit court to the supreme court, subject to chapter 602, from a decision denying a motion to dismiss or from other interlocutory orders, decisions, or judgments, whenever the judge in his discretion may think the same advisable for a more speedy termination of the case. The refusal of the judge to allow an interlocutory appeal to the appellate court shall not be reviewable by any other court.”

SECTION 7. Section 76-16, Hawaii Revised Statutes, is amended by amending paragraph (9) to read as follows:

“(9) One secretary or clerk for each justice of the supreme court, each judge of the intermediate appellate court, and each judge of the circuit court; three law clerks for the chief justice of the supreme court, two law clerks for each associate justice of the supreme court, and one law clerk for each judge of the intermediate appellate court and 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 paragraph (17);”

SECTION 8. Section 88-21, Hawaii Revised Statutes, is amended by amending the definition of “Judge” to read as follows:

“ “Judge”: a justice of the supreme court, a judge of the intermediate appellate court, or a judge of the circuit court of this State.”

SECTION 9. Section 91-14, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 91-14 Judicial review of contested cases.** (a) Any person aggrieved by a final decision and order in a contested case or by a preliminary ruling of the nature that deferral of review pending entry of a subsequent final decision would deprive appellant of adequate relief is entitled to judicial review thereof under this chapter; but nothing in this section shall be deemed to prevent resort to other means of review, redress, relief, or trial de novo, including the right of trial by jury, provided by law.

(b) Except as otherwise provided herein, proceedings for review shall be instituted in the circuit court within thirty days after the preliminary ruling or within thirty days after service of the certified copy of the final decision and order of the agency

pursuant to rule of court except where a statute provides for a direct appeal to the supreme court, which appeal shall be subject to chapter 602, and in such cases the appeal shall be in like manner as an appeal from the circuit court to the supreme court, including payment of the fee prescribed by section 607-5 for filing the notice of appeal (except in cases appealed under sections 11-51 and 40-91). The court in its discretion may permit other interested persons to intervene.

(c) The proceedings for review shall not stay enforcement of the agency decisions; but the agency or the reviewing court may order a stay upon such terms as it deems proper.

(d) Within fifteen days after the determination of the contents of the record on appeal in the manner provided by the rules of court, or within such further time as the court may allow, the agency shall transmit to the reviewing court the record of the proceeding under review. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

(e) If, before the date set for hearing, application is made to the court for leave to present additional evidence material to the issue in the case, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon such conditions as the court deems proper. The agency may modify its findings, decision, and order by reason of the additional evidence and shall file with the reviewing court, to become a part of the record, the additional evidence, together with any modifications or new findings or decision.

(f) The review shall be conducted by the appropriate court without a jury and shall be confined to the record, except that in the cases where a trial de novo, including trial by jury, is provided by law and also in cases of alleged irregularities in procedure before the agency not shown in the record, testimony thereon may be taken in court. The court shall, upon request by any party, hear oral arguments and receive written briefs.

(g) Upon review of the record the court may affirm the decision of the agency or remand the case with instructions for further proceedings; or it may reverse or modify the decision and order if the substantial rights of the petitioners may have been prejudiced because the administrative findings, conclusions, decisions, or orders are:

- (1) In violation of constitutional or statutory provisions; or
- (2) In excess of the statutory authority or jurisdiction of the agency; or
- (3) Made upon unlawful procedure; or
- (4) Affected by other error of law; or
- (5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (6) Arbitrary, or capricious, or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(h) Upon a trial de novo, including a trial by jury as provided by law, the court shall transmit to the agency its decision and order with instructions to comply with the order."

SECTION 10. Section 91-15, Hawaii Revised Statutes, is amended to read as follows:



**“Sec. 91-15 Appeals.** Review of any final judgment of the circuit court under this chapter shall be governed by chapter 602.”

SECTION 11. Section 269-16, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) From every order made by the commission under the provisions of this chapter which is final, or if preliminary is of the nature defined by section 91-14(a), an appeal shall lie to the supreme court subject to chapter 602 only by a person aggrieved in the contested case hearing provided for under this section in the manner and within the time provided by chapter 602, and by the rules of court. The appeal shall not of itself stay the operation of the order appealed from, but the court may stay the order after a hearing upon a motion therefor, and may impose such conditions as it may deem proper as to giving a bond and keeping the necessary accounts or otherwise in order to secure a restitution of the excess charges, if any, made during the pendency of the appeal in case the order appealed from should be sustained, reversed, or modified in whole or in part.”

SECTION 12. Section 271-31, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) A complete record of all proceedings and testimony before the commission on any formal hearing shall be taken down by a reporter appointed by the commission, and the parties shall be entitled to be heard in person or by attorney. In case of an action to review an order or decision of the commission, a transcript of the testimony, together with all exhibits or copies thereof introduced, and of the pleadings, records, and proceedings in the cause, shall constitute the record of the commission, but the party or parties to the proceeding and the commission may stipulate that designated parts of the record need not be transmitted to the appellate court, as provided by the rules of the court.”

SECTION 13. Section 271-33, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 271-33 Appeals.** From the order made on an application for reconsideration or rehearing by the public utilities commission under this chapter, an appeal shall lie to the supreme court subject to chapter 602 in the manner and within the time provided by chapter 602, and by the rules of court, provided the order is final, or if preliminary is of the nature defined by section 91-14(a). The appeal shall not of itself stay the operation of the order appealed from, but the court may stay the same after a hearing upon a motion therefor, and may impose such conditions as it may deem proper as to giving a bond and keeping the necessary accounts or otherwise to secure a restitution of the excess charges, if any, made during the pendency of the appeal in case the order appealed from should be sustained, reversed, or modified in whole or in part.”

SECTION 14. Section 271G-24, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 271G-24 Appeals.** From an order of the public utilities commission under this chapter, an appeal shall lie to the supreme court subject to chapter 602 in the manner and within the time provided by chapter 602, and by the rules of court,

provided the order is final, or if preliminary is of the nature defined by section 91-14(a). The appeal shall not of itself stay the operation of the order appealed from, but the court may stay the same after a hearing upon a motion therefor, and may impose such conditions as it may deem proper as to giving a bond and keeping the necessary accounts or otherwise to secure a restitution of the excess charges, if any, made during the pendency of the appeal in case the order appealed from should be sustained, revised, or modified in whole or in part.”

SECTION 15. Section 351-17, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Any person aggrieved by an order or decision of the criminal injuries compensation commission on the sole ground that the order or decision was in excess of the commission’s authority or jurisdiction, shall have a right of appeal to the supreme court subject to chapter 602, provided the appeal is filed within thirty days after service of an original or a certified copy of such order or decision. Except as otherwise provided in this section, orders and decisions of the commission shall be conclusive and not subject to judicial review.”

SECTION 16. Section 377-9, Hawaii Revised Statutes, is amended by amending subsection (j) to read as follows:

“(j) Any party may appeal from the judgment of a circuit court entered under this chapter to the supreme court subject to chapter 602.”

SECTION 17. Section 380-10, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 380-10 Appeal.** Whenever any court of the State issues or denies any temporary injunction in a case involving or growing out of a labor dispute, an appeal shall lie as of right to the supreme court subject to chapter 602, notwithstanding any provision of section 641-1. The appeal shall be heard and the temporary injunctive order affirmed, modified, or set aside with the greatest possible expedition, giving the proceedings precedence over all other matters of the same character.”

SECTION 18. Section 386-73, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 386-73 Original jurisdiction over controversies.** Unless otherwise provided, the director of labor and industrial relations shall have original jurisdiction over all controversies and disputes arising under this chapter. The decisions of the director shall be enforceable by the circuit court as provided in section 386-91. There shall be a right of appeal from the decisions of the director to the appellate board and thence to the supreme court subject to chapter 602 as provided in sections 386-87 and 386-88, but in no case shall an appeal operate as a supersedeas or stay unless the appellate board or the supreme court so orders.”

SECTION 19. Section 386-88, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 386-88 Judicial review.** The decision or order of the appellate board shall be final and conclusive, except as provided in section 386-89, unless within thirty days after mailing of a certified copy of the decision or order, the director or any

other party appeals to the supreme court subject to chapter 602 by filing a written notice of appeal with the appellate board. A fee in the amount prescribed by section 607-5 for filing a notice of appeal from a circuit court shall be paid to the appellate board for filing the notice of appeal from the board, which together with the appellate court costs shall be deemed costs of the appellate court proceeding. The appeal shall be on the record and the court shall review the appellate board's decision on matters of law only. No new evidence shall be introduced in the appellate court, except that the court may, if evidence is offered which is clearly newly discovered evidence and material to the just decision of the appeal, admit the same."

SECTION 20. Section 571-3, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 571-3 Family courts, divisions of circuit courts.** The family courts shall be divisions of the circuit courts of the State and shall not be deemed to be other courts as that term is used in the State Constitution. A family court shall be held at the courthouse in each circuit, or other duly designated place, by the judge or judges of the respective family courts as herein defined. The chief justice of the supreme court may temporarily assign a family court judge to preside in another circuit when the urgency of one or more cases requires him to do so. In any case in which it has jurisdiction the court shall exercise general equity powers as authorized by law."

SECTION 21. Section 571-54, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 571-54 Appeal.** An interested party aggrieved by any order or decree of the court may appeal to the supreme court for review of questions of law and fact upon the same terms and conditions as in other cases in the circuit court and review shall be governed by chapter 602, except as hereinafter provided. Where the decree or order affects the custody of a child or minor the appeal shall be heard at the earliest practicable time. In cases under section 571-11 the record on appeal shall be given a fictitious title, to safeguard against publication of the names of the children or minors involved.

The stay of enforcement of an order or decree, or the pendency of an appeal, shall not suspend the order or decree of the court regarding a child or minor or discharge the child or minor from the custody of the court or of the person, institution, or agency to whose care he has been committed, unless otherwise ordered by the family court, or by the supreme or intermediate appellate court after an appeal is taken. Pending final disposition of the case the family court, or the supreme or the intermediate appellate court after an appeal is taken, may make such order for temporary custody as is appropriate in the circumstances. If the supreme or the intermediate appellate court does not dismiss the proceedings and discharge the child or minor, it shall affirm or modify the order of the family court and remand the child or minor to the jurisdiction of the court for disposition not inconsistent with the supreme or the intermediate appellate court's finding on the appeal.

An order or decree entered in a proceeding based upon section 571-11(1), (2), or (6) shall be subject to appeal to the supreme court only as follows:

Within ten days from the date of the entry of any such order or decree, any party directly affected thereby, including a parent or legal custodian of any child or minor

involved, may petition the judge for a rehearing and reconsideration of the facts involved. The petition shall set forth the grounds on which a rehearing is requested and shall be sworn to by the petitioner. A copy thereof shall be served upon the attorney general, who shall represent the interests of the State at the rehearing and in connection with any subsequent appeal. As soon thereafter as may be practicable, the judge shall proceed with the rehearing of the case, affording to all parties concerned the full right of representation by counsel and presentation of relevant evidence. The findings of the judge upon the rehearing and his determination and disposition of the case thereafter, and any decision, judgment, order, or decree affecting the child and entered as a result of the rehearing shall be set forth in writing and signed by the judge. Any party deeming himself aggrieved by any such judgment, order, or decree, entered following a rehearing as in this section provided, shall have the right to appeal therefrom to the supreme court upon the same terms and conditions as in other cases in the circuit court and review shall be governed by chapter 602; provided that no such petition for rehearing shall operate as a stay of any such judgment, order, or decree unless the judge of the family court so orders; provided further that no informality or technical irregularity in the proceedings prior to the rehearing hereinabove provided for shall constitute grounds for the reversal of any such judgment, order, or decree by the appellate court.”

SECTION 22. Section 601-6, Hawaii Revised Statutes, is repealed.

SECTION 23. Section 601-8, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 601-8 Practice of law forbidden.** Justices of the supreme court, judges of the intermediate appellate court, judges of the circuit court, and full-time judges of the district court and of the district family court shall not engage in the practice of law during their terms of office.”

SECTION 24. Section 607-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The fees referred to in subsection (a) are:

- (1) For the institution of each action or proceeding, to include all charges except as provided by paragraphs (2) to (13) . . . . . \$10
- (2) Intervention; answer containing one or more cross-claims or counter-claims; third-party complaint, for each such matter . . . . . \$5
- (3) Motion or other application for: change of venue; involuntary dismissal, or preliminary hearing of a defense which may lead to involuntary dismissal; judgment on the pleadings; summary judgment; new trial; vacating, altering, or amending judgment, for each such matter, provided that an application in the alternative shall be treated as one matter . . . . . \$3
- (4) For the issuance of garnishee summons; writ of possession, attachment, or execution; or any other writ, for each such matter . . . . . \$3
- (5) Issuance of a subpoena, for each witness to be served . . . . . \$1
- (6) Deposition upon oral examination or written questions, or physical or mental examination, or examination of judgment debtor or other person under section 636-4, to be paid by the party filing the first paper in the matter, for each person whom the party seeks to question or examine . . . \$3

- (7) Demand for jury trial . . . . . Fee prescribed by section 607-5
- (8) Filing of notice of appeal to the supreme court, to be paid in addition to the deposit of appellate court costs . . . . . \$30
- (9) Search of records by the clerk. . . . . \$2
- (10) Making of a copy; comparing of copy with original . . . . . Fees prescribed by section 92-21
- (11) Certification under seal of copy of pleading or other paper subsequent to the initial filing of the pleading or paper, except record on appeal . . . . . \$1
- (12) Exemplification, instead of item (1). . . . . \$1
- (13) Posting notice; service fees; garnishee fees; mileage charges; or other services actually performed. . . . . Amounts necessary to cover actual costs or disbursements.”

SECTION 25. Section 11-51, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 11-51 Appeal from board to supreme court.** Any affected person, political party, or any of the county clerks, may, not later than 4:30 p.m. on the tenth day after the decision of the board of registration, appeal to the supreme court subject to chapter 602, in the manner provided for civil appeals to such court from the circuit court.”

SECTION 26. Section 40-91, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 40-91 Appeal from comptroller to supreme court.** In case of any question or difference of opinion arising between the comptroller and any officer of the State regarding the proper appropriation to which any item or amount of expense is charged, or any other matter regarding the construction of this chapter or the authority vested in either of them by this chapter, and in all cases where a claim is disallowed by the comptroller in consequence of the absence of an original warrant voucher, or upon an imperfect warrant voucher or an incorrect certificate, or if any person feels aggrieved by any decision of the comptroller, in the rejection or the surcharge of the returns or refusal to approve or allow any demand presented by the person, any of the persons concerned may appeal from the decision to the supreme court subject to chapter 602. After such investigation as the supreme court or the intermediate appellate court, as the case may be, considers equitable, it may make such order directing the relief of the appellant in whole or in part as appears to the court to be just and reasonable. If the demand of the officer, bill, claim of any person, or the return of any public accountant is approved, in whole or in part by the court, the court shall so indorse its findings on the same and it shall thereafter be presented to the comptroller, who shall enter it in the proper book in like manner as other demands and indorsement shall be made by the comptroller of its having been so entered before it can be paid.”

SECTION 27. Chapter 664, Hawaii Revised Statutes, is amended to read as follows:

1. Section 664-8 is amended to read:

“**Sec. 664-8 Appeal.** Any party deeming himself aggrieved by the decision of the commissioner of boundaries may appeal therefrom to the supreme court subject to

chapter 602, within thirty days from the rendition of the decision and within the period shall pay all costs accrued and shall pay or deposit costs for appeal as provided in sections 607-5, 607-6, and 607-7; provided that any land owner absent from the State and not represented by an authorized agent within the State, shall [have]†the right of appeal for one year from the rendition of the decision.”

2. Section 664-25 is amended to read:

“**Sec. 664-25 Appeal.** Any party aggrieved by the decree of the court may appeal therefrom to the supreme court subject to chapter 602, in the manner and within the time provided by chapter 602 and by the rules of court.”

SECTION 28. Act takes precedence. This Act shall take precedence over all conflicting statutes concerning this subject matter, provided that this chapter shall not be construed to limit the original equity jurisdiction of the several circuit courts.

SECTION 29. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 30. This Act shall take effect upon its approval, and judicial review of all affected appeals including those previously filed shall be allocated as follows: (1) all affected appeals filed on and after the effective date of this Act shall, until appropriate appointment of the intermediate appellate judges, be subject to review pursuant to the law and procedures in effect prior to enactment of this Act, conditioned however, upon their subsequent assignment where applicable to the intermediate appellate court by the supreme court; and (2) all affected appeals previously filed shall also be similarly subject to assignment to the intermediate appellate court by the supreme court, except cases involving questions of state or federal constitutional interpretation or involving criminal sentences of life imprisonment without possibility of parole which shall be reviewed by the supreme court.

(Approved May 25, 1979.)

## ACT 112

H.B. NO. 451

A Bill for an Act Relating to Promoting a Dangerous Drug.

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

SECTION 1. Section 712-1241, Hawaii Penal Code, is amended to read as follows:

“**Sec. 712-1241 Promoting a dangerous drug in the first degree.** (1) A person commits the offense of promoting a dangerous drug in the first degree if he knowingly:

- (a) Possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of:
  - (i) One ounce or more, containing any of the respective alkaloids or salts of heroin, morphine, or cocaine; or

†Bracketed word inserted.

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

- (ii) Two ounces or more, containing one or more of any of the other dangerous drugs; or
- (b) Distributes:
  - (i) Fifty or more capsules, tablets, ampules, dosage units, or syrettes containing one or more dangerous drugs; or
  - (ii) One or more preparations, compounds, mixtures, or substances of an aggregate weight of
    - (A) One-eighth ounce or more, containing any of the respective alkaloïds or salts of heroin, morphine, or cocaine; or
    - (B) One-half ounce or more, containing any other dangerous drug; or
- (c) Distributes any dangerous drug in any amount to a minor who is at least three years his junior.
- (2) Promoting a dangerous drug in the first degree is a class A felony.’’

SECTION 2. Section 712-1240, Hawaii Revised Statutes, is amended by the addition of a new definition, to be appropriately designated, and the amendment of the definitions of ‘‘practitioner’’ and ‘‘to distribute’’ to read as follows:

‘‘( ) ‘‘Dosage unit’’, for purposes of section 712-1241 means an entity designed and intended for singular consumption or administration.

- (10) ‘‘Practitioner’’ means
  - (a) A physician, dentist, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this State.
  - (b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, prescribe, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this State.
- (11) ‘‘To distribute’’ means to sell, transfer, prescribe, give, or deliver to another, or to leave, barter, or exchange with another, or to offer or agree to do the same; and’’

SECTION 3. New statutory material is underscored.\*

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

(Approved May 25, 1979.)

A Bill for an Act Relating to Professional Engineers, Architects, Surveyors, and Landscape Architects.

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

SECTION 1. Section 464-13, Hawaii Revised Statutes, is amended to read as follows:

\*The text has been edited pursuant to HRS§23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

**“Sec. 464-13 Structures exempted from provisions of chapter.** (a) The provisions of this chapter shall not apply to work in respect to any privately owned or privately controlled one-storied building, dwelling, or structure, the estimated cost of which does not exceed \$40,000, nor to any privately controlled two-storied building, dwelling, or structure, the estimated cost of which does not exceed \$35,000. However no structure, dwelling, or building in which the principal structural members consist of reinforced concrete or structural steel having riveted, bolted, or welded connections shall be exempted from this chapter.

(b) The provisions of this chapter shall not apply to work in respect to any privately owned or privately controlled one-storied structure, which is used primarily as a residence, the estimated cost of which does not exceed \$50,000, nor to any privately owned or privately controlled two-storied structure, which is used primarily as a residence, the cost of which does not exceed \$45,000.

(c) Whenever the exemption provided for in subsection (b) is applied to the construction of a new building, it shall be noted and recorded with the bureau of conveyances.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 25, 1979.)

## ACT 114

H.B. NO. 544

A Bill for an Act Relating to Industrial Carcinogens.

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

SECTION 1. Section 386-82, Hawaii Revised Statutes, is amended to read:

**“Sec. 386-82 Claim for compensation; limitation of time.** The right to compensation under this chapter shall be barred unless a written claim therefor is made to the director of labor and industrial relations (1) within two years after the date at which the effects of the injury for which the employee is entitled to compensation have become manifest, and (2) within five years after the date of the accident or occurrence which caused the injury.

The foregoing limitations of time shall not apply to a claim for injury caused by compressed air or due to occupational exposure to, or contact with arsenic, asbestos, benzol, beryllium, zirconium, cadmium, chrome, lead, flourine [sic], or other mineral or substance with carcinogenic properties, as incorporated in the Hawaii Occupational Safety and Health Standards, or to exposure to X-rays, radium, ionizing radiation, or radioactive substances, but such claim shall be barred unless it is made to the director, in writing, within two years after knowledge that the injury was proximately caused by, or resulted from the nature of, the employment. The claim

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.



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may be made by the injured employee or his dependents or by some other person on his or their behalf. The claim shall state in ordinary language the time, place, nature, and cause of the injury.”

SECTION 2. New statutory material is underscored.\*

SECTION 3. This Act shall take effect upon approval and shall apply to claims for workers’ compensation benefits pending on its effective date.

(Approved May 25, 1979.)

ACT 115

H.B. NO. 723

A Bill for an Act Relating to Fraudulent Claims Submitted Against the State.

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

SECTION 1. Section 661-7 of the Hawaii Revised Statutes is amended to read:

“**Sec. 661-7 Claim forfeited by fraud.** (a) Any person who intentionally submits a false claim or attempts to commit any fraud against the State in the proof, statement, establishment, or allowance of any claim, or of any part of any claim against the State, shall forfeit the same to the State; and when an action is brought to recover on such a claim, the court shall find specifically that fraud was committed or attempted to be committed, and thereupon give judgment that such claim is forfeited to the State, and that the claimant is forever barred from prosecuting the same.

(b) Any person who intentionally submits a false claim or attempts to commit a fraud against the State in the proof, statement, establishment, or allowance of any claim under \$5,000 or any part of any claim under \$5,000 against the State shall, in addition to any other penalty provided by law, be liable for civil penalties of:

- (1) Payment of interest on the amount of excess benefits or payments at the maximum legal rate in effect on the date the payment was made to said person, for the period from the date upon which payment was made to the date upon which repayment is made to the State;
- (2) Payment of an amount not to exceed double the amount of such excess benefits or payments; and
- (3) Payment in the sum of \$1,000 for each fraudulent claim or part of a fraudulent claim made against the State.

All interest and penalties provided for in this section may be sought and recovered in an administrative proceeding held pursuant to chapter 91 conducted by the department to which the claim was submitted.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 25, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

## ACT 116

H.B. NO.748

A Bill for an Act Relating to Horizontal Property Regimes.

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

Section 1. Chapter 514A, Hawaii Revised Statutes, is amended as follows:

1. Section 514A-3 is amended by amending the definition of "apartment owner" to read:

"(2) "Apartment owner" means the person owning, or the persons owning jointly or in common, an apartment and the common interest appertaining thereto; provided that to such extent and for such purposes, including the exercise of voting rights, as shall be provided by lease registered under chapter 501 or recorded under chapter 502, a lessee of an apartment shall be deemed to be the owner thereof."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 25, 1979.)

## ACT 117

H.B. NO.923

A Bill for an Act Relating to Offenses Against Property Rights.

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

SECTION 1. Chapter 312, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"Sec. 312- Wilful detention of books and other library materials; penalty.** A person who wilfully and knowingly detains a book, newspaper, plate, picture, photograph, engraving, painting, drawing, map, magazine, document, letter, public record, microform, sound recording, audio visual materials in any format, magnetic or other tapes, artifacts, or other documentary (written or printed) materials belonging to any library or similar institution controlled by the State of Hawaii for seven (7) days after the mailing date of a written notice forwarded to his last known address, from the librarian or designated representative, that such books or library materials are to be returned to the library or institution, shall be subject to a nominal charge established by the department of education.

A person detaining such books or library materials thirty (30) days after the mailing of the written notice shall be subject to a charge commensurate with the replacement value of the books or library materials."

SECTION 2. New statutory material is underscored.\*

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

(Approved May 25, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

A Bill for an Act Relating to the Governor’s Agriculture Coordinating Committee.

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

SECTION 1. Section 164-1, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 164-1 Establishment of the governor’s agriculture coordinating committee.** There is established, in the governor’s office for administrative purposes, the governor’s agriculture coordinating committee, whose membership shall include the special assistant for agriculture, office of the governor, who shall be the chairperson, the director of planning and economic development, the chairperson of the board of land and natural resources, the chairperson of the board of agriculture, the director of transportation, the chairperson of the Hawaiian Homes Commission, the dean of the college of tropical agriculture, and three farmers, one of whom shall be a representative of a recognized nonprofit association of farmers. All members of the committee shall serve without pay but shall be entitled to reimbursement for necessary expenses while attending meetings and while in the discharge of the duties and responsibilities of the committee.”

SECTION 2. The statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 25, 1979.)

A Bill for an Act Relating to Motor Carrier Safety Law.

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

SECTION 1. **Purpose.** The purpose of this Act is to clarify the applicability of the motor carrier safety law to certain private carriers of passengers and to authorize the issuance of summonses and citations to enforce compliance with the motor carrier safety law.

SECTION 2. Section 286-201, Hawaii Revised Statutes, is amended by amending the definition of “motor carrier” to read:

“(4) “Motor Carrier” as used in this part means a common carrier by motor vehicle, a contract carrier by motor vehicle, or a private carrier by motor vehicle, all as defined in section 271-4. any person who owns a motor vehicle used in, or who engages in the transportation of persons or property by motor vehicle on the public highways in the furtherance of any commercial, industrial or educational enterprise.”

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

SECTION 3. Section 286-207, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 286-207 Exemptions, certain vehicles.** This part shall not apply to the following vehicles, if such vehicles are in compliance with safety ordinances and rules of the county in which they operate and other applicable state safety laws and rules:

- (1) The type of passenger carrying vehicle known as a “sampan bus” within a radius of twenty miles from the City of Hilo, Hawaii;
- (2) Station wagons for the carriage of property;
- (3) Trucks, truck trailers, trailers or other non-passenger carrying equipment having a gross vehicle weight rating of 10,000 pounds or less;
- (4) Taxicabs as described in section 271-5(3) (B);
- (5) Passenger carrying vehicles with a seating capacity of nine or less used for the transportation of employees to and from the jobsite;
- (6) Passenger carrying vehicles used by employees solely for their own transportation to, from, and during work;
- (7) Passenger carrying vehicles with a gross vehicle weight of 10,000 pounds or less used in car or van pools for the movement of passengers to and from work;
- (8) A passenger carrying vehicle used for the transportation, without compensation, of persons for private, recreational or entertainment purposes;
- (9) A passenger carrying vehicle with a gross vehicle weight rating of 10,000 pounds or less used solely for the transportation, without compensation, of the vehicle owner, his family or guests;
- (10) A passenger carrying vehicle with a gross vehicle weight rating of 10,000 pounds or less used for the transportation, without compensation, of persons for the furtherance of their physical or mental rehabilitation or for social welfare activities.”

SECTION 4. Part 1 of Chapter 286, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

**“Sec. 286- Arrest or citation.** Except when required by State law to take immediately before a district judge a person arrested for violation of any provision of this chapter, including any rule adopted pursuant to this chapter, any person authorized to enforce the provisions of this chapter, hereinafter referred to as enforcement officer, upon arresting a person for violation of any provision of this chapter, including any rule adopted pursuant to this chapter shall issue to the alleged violator 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 such arrest.

The summons or citation shall be printed in a form comparable to the form of other summonses and citations used for arresting offenders and shall be designed to provide for inclusion of all necessary information. The form and content of such summons or citation shall be adopted or prescribed by the district courts.

The original of a summons or citation shall be given to the alleged violator and the other copy or copies distributed in the manner prescribed by the district courts; provided that the district courts may prescribe alternative methods of distribution of

the original and any other copy.

Summonses and citations shall be consecutively numbered and the carbon copy or copies of each shall bear the same number.

Any person who fails to appear at the place and within the time specified in the summons or citation issued to him by the enforcement officer upon his arrest for violation of any provision of this chapter, including any rule adopted pursuant to this chapter, shall be guilty of a misdemeanor.

If any person fails to comply with a summons or citation issued to such person, or if any person fails or refuses to deposit bail as required, the enforcement officer shall cause a complaint to be entered against such person and secure the issuance of a warrant for his arrest.

When a complaint is made to any prosecuting officer of the violation of any provision of this chapter, including any rule adopted hereunder, the enforcement officer who issued the summons or citation shall subscribe to it under oath administered by another official of the department of transportation whose name has been submitted to the prosecuting officer and who has been designated by the director to administer the same."

SECTION 5. The statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 25, 1979.)

ACT 120

S.B. NO. 1721

A Bill for an Act Establishing a Twentieth Anniversary Hawaii Statehood Celebration Committee.

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

SECTION 1. **Creation of a twentieth anniversary Hawaii statehood celebration committee.** There is established a committee to be known as the "Hawaii Statehood Celebration Committee" which shall have charge of all arrangements for the commemoration of the twentieth birthday of the State of Hawaii on August 17, 1979.

The committee shall be placed within the office of the governor. It shall not continue beyond December 31, 1979.

SECTION 2. **Membership, compensation.** The committee shall consist of fourteen members. The governor, the president of the senate, the speaker of the house, the mayors of the counties of Kauai, Maui, Hawaii, and the mayor of the city and county of Honolulu shall each appoint two members to the committee. The governor shall designate the chairman of the committee. The members shall receive no compensation for their services but shall be reimbursed for travel and other necessary expenses in the performance of their duties.

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

**SECTION 3. Powers and duties.** The committee shall prepare an overall program for commemorating the twentieth anniversary of the admission of Hawaii into the Union as a State of the United States of America.

**SECTION 4. Acceptance of donations, disposition of property.** The committee may accept donations of money, personal property or personal services. All property acquired by the committee shall be deposited for preservation in the state library system, museum, public archives, or otherwise disposed of in consultation with the superintendent of education. All money donated to the committee shall be deposited with the director of finance and is appropriated to the committee. Disbursement of such money shall be by state warrants issued in accordance with applicable laws and regulations and based on vouchers signed by the chairman of the committee.

**SECTION 5. Reports.** The committee shall submit to the legislature by January 1, 1980 a report of all activities, including an accounting of all property and money received and disbursed.

**SECTION 6. Appropriation.** 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, to effectuate the purpose of this Act.

**SECTION 7.** The sum appropriated shall be expended by the office of the governor for the purposes of this Act. Any unexpended or unencumbered balance of any appropriation made by this Act as of the close of business on June 30, 1980 shall lapse into the general fund.

**SECTION 8. Effective date.** This Act shall take effect upon its approval.

(Approved May 25, 1979.)

## ACT 121

H.B. NO. 82

A Bill for an Act Relating to the Hawaii Regulatory Licensing Reform Act.

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

**SECTION 1.** Section 26H-3, Hawaii Revised Statutes is amended by deleting the definitions of "Joint committee" and "Impact statement."

**SECTION 2.** Section 26H-5, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 26H-5 Evaluation; report.** The legislative auditor shall evaluate each board, commission and regulatory program created under a chapter repealed by section 26H-4 and shall submit an evaluation report to the legislature prior to the convening of the regular session of the year of the repeal date. The evaluation shall assess whether the regulatory program established by the chapter complies with the policies established by section 26H-2 and whether the public interest requires that the chapter be reenacted, modified, or permitted to expire. Each board or commission and the director shall assist the auditor in collecting and reporting such data as the auditor may require to conduct the evaluation. If the auditor finds that the chapter should be reenacted or modified, the auditor shall evaluate the effectiveness and

efficiency of the regulatory program and make appropriate recommendations to improve policies, procedures and practices. The legislature may hold a public hearing on each evaluation report. If the auditor finds that a regulatory program within the chapter should be permitted to expire, the auditor shall make recommendations, if needed, for appropriate restrictions to be placed on the program subsequent to the termination of regulation.”

SECTION 3. Section 26H-6, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 26H-6 New regulatory measures.** New regulatory measures being considered for enactment which if enacted would subject unregulated professions and vocations to licensing or other regulatory controls shall be referred to the director for analysis. The analysis required by this section shall set forth the probable effects of the proposed regulatory measure and assess whether its enactment is consistent with the policies set forth in section 26H-2. The analysis shall also assess alternative forms of regulation. The director shall submit each report of analysis to the legislature.”

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 25, 1979.)

ACT 122

S.B. NO. 11

A Bill for an Act Relating to Primary Elections (Constitutional Amendments of Article II, Section 8).

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

SECTION 1. **Purpose.** The purpose of this Act is to implement Article II, section 8 of the Constitution of the State of Hawaii as amended by the Hawaii Constitutional Convention of 1978 and ratified by the voters on November 7, 1978.

SECTION 2. Section 12-2, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 12-2 Primary held when; candidates only those nominated.** The primary shall be held at the polling place for each precinct on the second to the last Saturday of September in every even numbered year; provided that in no case shall any primary election precede a general election by less than forty-five days.

No person shall be a candidate for any general or special general election unless he has been nominated in the immediately preceding primary or special primary.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 26, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

## ACT 123

S.B. NO. 627

A Bill for an Act Relating to Minimum Sizes of Fish.

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

SECTION 1. Section 188-40, Hawaii Revised Statutes, is amended to read:

**“Sec. 188-40 Minimum sizes of fish.** It shall be unlawful for any person to sell, or offer for sale, or for any peddler or dealer in fish to have in his possession, any (1) aholehole or manini less than five inches in length, or (2) mullet, moi, weke, moana, or kumu less than seven inches in length, or (3) awa, oio, kala, or opelu kala less than nine inches in length, or (4) opakapaka, ulaula, uku, ulua, or papio, uhu, slipper lobster, or squid less than one pound in weight, or (5) kuahonu crab or Kona crab less than four inches in length or in width across or along its back, or (6) clams less than one and one-half inches measured the long way.”

SECTION 2. New statutory material is underscored.

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

(Approved May 26, 1979.)

## ACT 124

S.B. NO. 1752

A Bill for an Act Relating to Public Accountancy.

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

SECTION 1. Section 466-5, Hawaii Revised Statutes, is amended to read:

**“Sec. 466-5 Certificate of certified public accountant.** (a) Issuance. A person (1) who has attained eighteen years of age, (2) who is of good moral character, and (3) who meets the educational and examination requirements hereinafter provided in this section, shall, upon application to the board, be issued a certificate of “certified public accountant”. The board shall maintain a list of all persons to whom such certificates are issued. Such certificates shall be effective for a period not exceeding two years and shall be renewable biennially upon application to the board.

(b) Educational requirements. A person applying for a certificate of certified public accountant (1) before January 1, 1979, shall be required to have obtained a baccalaureate degree conferred by a college or university recognized by the board, or (2) after December 31, 1978, shall:

- (A) Obtain a baccalaureate degree conferred by a college or university recognized by the board; and
- (B) Complete the study of accounting and related courses as the board by rule deems appropriate; and
- (C) Complete not less than thirty semester hours of study in addition to those semester hours required for a baccalaureate degree at a college or university recognized by the board. The content of the additional hours of study shall be determined by the rules and regulations promulgated pursuant to chapter 91.



(c) Exemption from educational requirements. A person (1) who holds a current registration as a public accountant under the provisions of section 466-6, or (2) who holds and has continued to hold a valid certificate of certified public accountant of another state for a period of not less than ten years preceding the date of his application under this section, and who is and continues to be in the active practice of public accountancy in such other state for a period of not less than five years preceding the date of his application under this section, if, upon examination of the credentials of such person, the board is satisfied that he is as well qualified for the practice of public accountancy as if he met the applicable educational requirements specified in subsection (b) of this section and any continuing education requirements established by regulation of the board, shall, upon application to the board, be exempt from the educational requirements specified in subsection (b) of this section.

(d) Examination requirements. A person applying for a certificate of certified public accountant shall be required to have satisfactorily completed an examination in accounting, auditing and such other related subjects as the board shall determine to be appropriate. Such examination shall be held by the board and shall take place as often as the board shall determine to be desirable, but not less frequently than once each year.

(e) Admission to examination. A person (1) who has met the applicable educational requirements prescribed in subsection (b) of this section, or (2) who has not met all of the requirements prescribed by subsection (b)(2) of this section but who expects to meet the requirements of subsections (b)(2) (A) and (b)(2) (B) of this section within one hundred twenty days following the examination prescribed in subsection (d) of this section, or (3) who is exempted from such educational requirements by subsection (c) of this section, shall, upon application to the board, be admitted to such examination. An applicant who has been admitted to the examination pursuant to subsection (e)(2) will not receive any conditional credit pursuant to subsection (f) for any portion of the examination, unless he completes all of the educational requirements of subsections (b)(2) (A) and (b)(2) (B) within one hundred twenty days following the examination. An applicant admitted to the examination pursuant to subsection (e)(2), who satisfactorily completes the entire examination, will not be entitled to receive a certificate of certified public accountant unless:

- (1) He completes the educational requirements of subsections (b)(2) (A) and (b)(2) (B) within one hundred twenty days following the examination; and
- (2) He completes the educational requirements of subsection (b)(2) (C) within a time period following the examination which shall be established by the board by rules promulgated pursuant to chapter 91.

(f) Re-examination. The board may by regulation prescribe the terms and conditions under which an applicant who has taken the examination described in subsection (d) of this section, but who has not satisfactorily completed that examination, may be given credit for any part thereof that the applicant has satisfactorily completed. The board may also provide by regulation for a reasonable waiting period for an applicant to apply for re-examination.

(g) Exemption from examination requirements. A person (1) who is the holder of a valid certificate of certified public accountant issued under the laws of another state, or (2) who is the holder of a valid certificate, license or degree in a foreign country determined by the board to be (i) a recognized qualification for the practice of

public accountancy in such other country, (ii) comparable to a certificate of certified public accountant of this State, and (iii) issued to such person on the basis of an examination comparable to the examination described in subsection (d) of this section, shall, upon application to the board, be exempt from the examination requirements specified in subsection (d) of this section.

(h) Existing certificate holders. A person who, on January 1, 1974, holds a certificate of certified public accountant issued under the laws of this State theretofore existing shall not be required to obtain an additional certificate of certified public accountant under this chapter, but shall otherwise be subject to all the provisions of this chapter; and such a certificate theretofore issued shall, for all purposes, be considered a certificate issued under this chapter and subject to the provisions hereof."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 26, 1979.)

## ACT 125

H.B. NO. 38

A Bill for an Act Relating to the Board of Education.

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

SECTION 1. Chapter 13, Hawaii Revised Statutes, is amended to read as follows:

1. Section 13-1 is amended to read:

**"Sec. 13-1 Board members; number.** (a) The board of education shall consist of thirteen members who shall be elected by the registered voters of two at-large school board districts as follows:

First school board district: the island of Oahu, comprised of the seventh through the twenty-sixth representative districts, and the

Second school board district: the islands of Hawaii, Maui, Lanai, Molokai, Kahoolawe, Kauai, and Niihau, comprised of the first through the sixth and the twenty-seventh representative districts.

(b) Ten members shall be elected at-large from the first school board district. Of the ten members elected at-large from that district, one shall be a resident of the third departmental school district (Honolulu), one shall be a resident of the fourth departmental school district (Central Oahu), one shall be a resident of the fifth departmental school district (Leeward Oahu), and one shall be a resident of the sixth departmental school district (Windward Oahu).

(c) Three members shall be elected at-large from the second school board district. Of the three members elected at-large from that district, one shall be a resident of the first departmental school district (Hawaii), one shall be a resident of

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

the second departmental school district (Maui), and one shall be a resident of the seventh departmental school district (Kauai).

(d) The departmental school districts shall be as follows:

First departmental school district (Hawaii): the island of Hawaii comprising the first, second, third, and fourth representative districts;

Second departmental school district (Maui): the islands of Maui, Molokai (including the county of Kalawao), Lanai, and Kahoolawe comprising the fifth and sixth representative districts;

Third departmental school district (Honolulu): that portion of the island of Oahu comprising the seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, and eighteenth representative districts;

Fourth departmental school district (Central Oahu): that portion of the island of Oahu comprising the twentieth and twenty-second representative districts;

Fifth departmental school district (Leeward Oahu): that portion of the island of Oahu comprising the nineteenth and twenty-first representative districts;

Sixth departmental school district (Windward Oahu): that portion of the island of Oahu comprising the twenty-third, twenty-fourth, twenty-fifth, and twenty-sixth representative districts; and

Seventh departmental school district (Kauai): the islands of Kauai and Niihau comprising the twenty-seventh representative district.”

2. Section 13-2 is amended to read:

“**Sec. 13-2 Qualifications.** No person shall be eligible for election or appointment to the board of education unless he is a registered voter of the school board district from which he is to be elected or appointed and, where residency in a particular departmental school district is a requirement, a resident of the departmental school district for which seat he is seeking election or appointment. No member of the board shall hold any other public office under the state or county governments. The term “public office”, for the purposes of this section, shall not include notaries public, reserve police officers, or officers of emergency organizations for civilian defense or disaster relief.”

3. Section 13-3 is amended to read:

“**Sec. 13-3 Election of members.** (a) Members of the board of education shall be elected at a special election held in conjunction with the general election. Except as otherwise provided by this chapter, the candidates for the board of education shall be elected in the manner prescribed by this title.

(1) Nomination papers, preparation of. The chief election officer shall prepare the nomination papers in such a manner that a candidate desiring to file for election to the board of education shall be able to specify whether he is seeking a seat requiring residency in a particular departmental school district or a seat without such residency requirement.

(2) Ballot. The school board ballot shall be prepared in such a manner as to afford every voter eligible to vote in a school board district race, the opportunity to vote for each and every candidate seeking election from such school board district.

The school board ballot shall contain the names of all board candidates arranged alphabetically in a nonpartisan manner; provided that the

names of candidates seeking seats requiring residency in a particular departmental school district shall also be grouped according to departmental school districts.

Each voter in the general election shall be entitled to receive the school board ballot and to vote for the number of seats available in the respective school board districts.

(b) In the event that there is only one qualified candidate for any seat requiring residency in a particular departmental school district, after the close of filing of nomination papers, the chief election officer shall declare such candidate to be duly and legally elected. In the event that the number of qualified candidates for seats without such residency requirement is equal to or less than the number of such seats to be filled, after the close of filing of nomination papers, the chief election officer shall declare such candidates to be duly and legally elected."

4. Section 13-4, Hawaii Revised Statutes, is repealed.

5. Section 13-5 is renumbered 13-4 and is amended to read:

**"Sec. 13-4 Board members; term, vacancies.** The term of office of members of the board shall be for four years beginning on the day of the general election of the year in which they are elected and ending on the day of the second general election after their election. Members of the board may be re-elected without restriction as to the number of terms.

Any vacancy that may occur through any cause other than the expiration of the term of office shall be filled by the governor in accordance with section 17- ."

SECTION 2. Chapter 17, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"Sec. 17- Board of education members.** (a) Whenever any vacancy in the membership of the board of education occurs, the term of which ends at the next succeeding general election, the governor shall make an appointment to fill the vacancy for the unexpired term.

(b) In the case of a vacancy, the term of which does not end at the next succeeding general election:

(1) If it occurs not later than on the tenth day prior to the next succeeding general election, the vacancy shall be filled for the unexpired term at the next succeeding general election. The chief election officer shall issue a proclamation designating the election for filling the vacancy. All candidates for the unexpired term shall be elected in accordance with this title. Pending the election the governor shall make a temporary appointment to fill the vacancy and the person so appointed shall serve until the election of the person duly elected to fill such vacancy.

(2) If it occurs after tenth day prior to the next succeeding general election, the governor shall make an appointment to fill the vacancy for the unexpired term.

(c) All appointments made by the governor under this section shall be made without consideration of the appointee's party affiliation or preference or nonpartisanship."

SECTION 3. Chapter 11, Hawaii Revised Statutes, is amended to read as

follows:

1. Section 11-61 is amended by amending subsection (b) to read:

“(b) Any party which does not meet the following requirements shall be subject to disqualification:

- (1) A party must have had candidates running for election at the last general election for any of the offices listed in paragraphs (2) to (5) whose terms had expired. This does not include those offices which were vacant because the incumbent had died or resigned before the end of his term;
  - (2) The party received at least ten percent of all votes cast for any of the offices voted upon by all the voters in the State; or,
  - (3) The party received at least ten percent of all the votes cast in at least fifty per cent of the congressional districts; or,
  - (4) The party received at least ten per cent of all the votes cast in at least fifty per cent of the senatorial districts for the office of state senator; or,
  - (5) The party received at least ten per cent of all the votes cast in at least fifty per cent of the representative districts for the office of state representative.”
2. Section 11-72 is amended to read:

“**Sec. 11-72 Precinct officials; submission of names and assignment; vacancies.** All qualified political parties shall submit names for precinct officials to the chief election officer not later than 4:30 p.m. on the sixtieth day prior to the close of filing for any primary, special primary, or special election. All precinct officials shall be able to read and write the English language. If any party shall fail to submit the required names by the above deadline, the chief election officer may fill such positions with available qualified persons.

In assigning the precinct officials the following criteria shall be followed:

- (1) The precinct officials shall be registered voters of the precinct in which they serve; but if qualified persons in the precinct or representative district are not readily available to serve, they may be chosen from without the precinct or representative district.
- (2) The chief election officer may designate more precinct officials than are needed in order to create a pool of qualified precinct officials who may be assigned to fill vacancies or to perform such duties as needed in any precinct.
- (3) No parent, spouse, child, or sibling of a candidate shall be eligible to serve as a precinct official in any precinct in which votes may be cast for the candidate; nor shall any candidate for any elective office be eligible to serve as a precinct official in the same election in which he is a candidate. No candidate who failed of nomination in the primary or special primary election shall be eligible to serve as a precinct official in the general election next following.
- (4) The chairman of the precinct officials shall be of the same party as the governor and shall be the first named precinct official on the list prepared by the chief election officer. The remainder of the precinct officials shall be apportioned as follows:
  - (A) The total votes cast, except those cast for nonpartisan candidates, for all of the following offices which were on the ballot in the next

- preceding general election shall be divided into the total votes cast for all the candidates of each party for such offices: president and vice-president, United States senator, United States representative, governor and lieutenant governor, state senator, and state representative.
- (B) In the event that a party's proportion of votes cast exceeds fifty per cent, its share shall be one-half of the precinct officials. The remaining one-half shall be divided among the remaining parties in proportion to their respective total of votes cast for the offices set forth in subparagraph (A).
- (C) In the case of the above division resulting in parties having fractional positions a whole position shall go to the party with the larger number of votes cast.
- (D) Newly qualified parties may be assigned up to ten per cent of the total positions available at the discretion of the chief election officer.

In case of inability, failure, or refusal of any person so assigned to serve as a precinct official the chief election officer shall, so far as reasonably practicable, appoint a person to fill the vacancy from the same party as that of the person to be replaced. In case of doubt as to the party of a precinct official the chief election officer shall use first, the party membership list; then, the primary registration; then, the person's word for his party affiliation."

SECTION 4. Section 12-23, Hawaii Revised Statutes, is repealed.

SECTION 5. **Severability.** If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the provision to other persons and circumstances shall not be affected thereby and further, the invalidity shall 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. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 7. This Act shall take effect upon its approval; provided, however, that the amendments to section 13-1 and 13-2 shall take effect on November 4, 1980; and provided further, however, that the four-year term of office specified in section 13-5 shall apply to members of the board of education elected at the general election of November, 1980, and thereafter.

(Approved May 26, 1979.)

ACT 126

H.B. NO. 57

A Bill for an Act Relating to the Hawaii Community Development Authority.

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

SECTION 1. Section 206E-2, Hawaii Revised Statutes, is amended by amending the definition of "project" to read:

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

- “(4) “Project” means a specific work or improvement, including real and personal properties, or any interest therein, acquired, owned, constructed, reconstructed, rehabilitated, or improved by the authority, including a residential project, a redevelopment project, or a commercial project, all as defined herein, or any combination thereof, which combination shall hereinafter be called and known as a “multipurpose project.”
- (A) “Residential project” means a project or that portion of a multipurpose project, including residential dwelling units, designed and intended for the purpose of providing housing and such facilities as may be incidental or appurtenant thereto;
- (B) “Redevelopment project” means an undertaking for the acquisition, clearance, replanning, reconstruction, and rehabilitation or a combination of these and other methods, of an area for a residential project, for an incidental commercial project, and for other facilities incidental or appurtenant thereto, pursuant to and in accordance with this chapter. The terms “acquisition, clearance, replanning, reconstruction, and rehabilitation” shall include renewal, redevelopment, conservation, restoration, or improvement, or any combination thereof;
- (C) “Commercial project” means an undertaking involving commercial or light industrial development, which includes a mixed use development where commercial or light industrial facilities may be built into, adjacent to, under or above residential units.”

SECTION 2. Section 206E-15, Hawaii Revised Statutes is amended to read as follows:

“**Sec. 206E-15 Residential projects; cooperative agreements.** If the authority deems it desirable to develop a residential project, it may enter into an agreement with qualified persons to construct, maintain, operate, or otherwise dispose of the residential project. Sale, lease, or rental of dwelling units in the project shall be as provided by the rules established by the authority. The authority may enter into cooperative agreements with the Hawaii housing authority for the financing, development, construction, sale, lease or rental of dwelling units and projects.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. \*

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

(Approved May 26, 1979.)

A Bill for an Act Relating to Motor Carrier Law.

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

SECTION 1. Section 271-32, Hawaii Revised Statutes, is amended to read:

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

**“Sec. 271-32 Reconsideration and rehearings.** (a) After any order or decision has been made by the public utilities commission, any party to the proceeding may apply once for reconsideration or a rehearing in respect to any matter determined in the proceeding and specified in the motion for reconsideration or rehearing. The commission may grant the motion if in its judgment sufficient reason is made to appear.

(b) The motion for reconsideration or a rehearing shall be filed within ten days after the decision and order has been served and shall set forth specifically the ground or grounds on which the applicant considers the decision or order to be unlawful. No person shall in any court urge or rely on any ground not so set forth in the motion. If a motion for reconsideration is filed from a final decision and order granting a change in rates, the commission's order granting the change in rates shall be automatically stayed until the commission renders its final determination on the motion; provided, however, that: (1) the motion will be deemed denied if the commission does not issue its final determination within twenty days from the filing date of the motion for reconsideration; and (2) no change in any rate, fare or charge shall go into effect while a motion for reconsideration or rehearing is pending notwithstanding the provisions of section 271-20(e). The commission set aside the automatic stay for good cause shown.

(c) A motion for reconsideration or rehearing shall not excuse any person from complying with and obeying any order or decision, or any requirement of any order or decision of the commission theretofore made, or operate in any manner to stay or postpone the enforcement thereof, except in such cases and upon such terms as the commission by order directs.

(d) If, after reconsideration or rehearing the commission is of the opinion that the original order or decision, or any part thereof, is in any respect unjust or unwarranted, or should be changed, the commission may abrogate, change, or modify it. The order or decision abrogating, changing, or modifying the original order or decision shall have the same force and effect as an original order or decision, but shall not affect any right or the enforcement of any right arising from or by virtue of the original order or decision unless so ordered by the commission.

(e) An appeal shall lie to the supreme court from every order made by the commission which is final, or if preliminary is of the nature defined by section 91-14(a); provided, such order is made after reconsideration or rehearing or is the subject of a motion for reconsideration or rehearing which the commission has denied or with respect to which the commission has not issued a final determination within twenty days from the filing date of the motion. An appeal shall lie to the supreme court only by a person aggrieved in the contested case hearing provided for in this section in the manner and within the time provided by the rules of court for an appeal from a judgment of a circuit court.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 26, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.



A Bill for an Act Relating to Corporations.

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

SECTION 1. Section 417-16, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 417-16 Merger or consolidation of domestic corporations with foreign corporations.** Notwithstanding section 417-15, the merger or consolidation of any number of domestic corporations with any number of foreign corporations may be effected if the foreign corporations are authorized to effect such a merger or consolidation by the laws of the jurisdiction under which they are formed; provided, that if the surviving or consolidated corporation is a foreign corporation no merger or consolidation agreement shall be effected as to any domestic corporations unless the authorization and approval have been obtained from the holders of not less than [nine-tenths] three-fourths of the issued and outstanding shares of each domestic corporation even though their right to vote is otherwise restricted or denied by the charter, articles, bylaws, or resolution of the domestic corporation.

In the merger or consolidation agreement, the laws of any jurisdiction under which one of the constituent corporations was organized may be selected as the laws which govern the merger or consolidation and the surviving or consolidated corporation; provided, that the dissenting stockholders of any domestic corporation shall in any event have the right to have their compensation determined under sections 417-19 to 417-30 upon compliance with all of the terms and conditions of these sections.

To become effective in the State, the merger or consolidation agreement shall be filed in the office of the director of regulatory agencies in the manner required in section 417-8, and if any domestic corporation, being a party to a merger or consolidation agreement, is a fiduciary company, or subject to examination of the bank examiner under any provisions of law, or a public utility company, before the agreement is filed in the office of the director, the agreement shall require the approval of the bank examiner or the public utilities commission in the same manner that it would be required if the merger or consolidation of the corporation were effected under this part.

Upon the merger or consolidation becoming effective in the State, the property and corporate existence of the domestic constituent corporations shall in all respects be subject to section 417-13.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 26, 1979.)

A Bill for an Act Relating to Criminal History Record Information.

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

SECTION 1. The purpose of this Act is to establish a Hawaii criminal justice information data center, hereinafter referred to as the "data center", to be responsible for the collection, storage, dissemination, and analysis of all pertinent criminal history record information from all criminal justice agencies and to provide for the collection, storage, and dissemination of criminal history record information by criminal justice agencies in such a manner as to balance the right of the public and press to be informed, the right of privacy of individual citizens, and the necessity for law enforcement agencies to utilize the tools needed to prevent crimes and detect criminals in support of the right of the public to be free from crime and the fear of crime.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read:

## **"CHAPTER CRIMINAL HISTORY RECORD INFORMATION**

**Sec. -1 Definitions.** In this chapter, unless a different meaning plainly is required:

- (1) "Dissemination" means transmission of criminal history record information to individuals and agencies, other than the criminal justice agency which maintains the criminal history record information, but it does not include the reporting of such information as required by law, the reporting of data on a particular transaction to another criminal justice agency so as to permit the initiation of subsequent criminal justice proceedings, the use of such information by an employee or officer of the agency maintaining the records, and the reporting of a criminal justice transaction to a state, local, or federal repository;
- (2) "Criminal history record information system" or "system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information;
- (3) "Criminal history record information" means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, and other formal criminal charges, and any disposition arising therefrom, sentencing, formal correctional supervisory action, and release; but does not include intelligence or investigative information, identification information to the extent that such information does not indicate involvement of the individual in the criminal justice system, and information derived from offender-based transaction statistics systems which do not reveal the identity of individuals;
- (4) "Criminal justice agency" means:
  - (A) Courts; or
  - (B) A government agency or any subunit thereof which performs the administration of criminal justice pursuant to a statute or executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice;

- (5) "Administration of criminal justice" means performance of any of the following activities: detection; apprehension; detention; pretrial release; post-trial release; prosecution; adjudication; correctional supervision; or rehabilitation of accused persons or criminal offenders; and includes criminal identification activities and the collection, storage, and dissemination of criminal history record information; but does not include crime prevention activities or criminal defense functions;
- (6) "Disposition" means information disclosing that criminal proceedings have been concluded, including information disclosing that the police have elected not to refer a matter to a prosecutor or that a prosecutor has elected not to commence criminal proceedings and also disclosing the nature of the termination of the proceedings, or information disclosing that proceedings have been indefinitely postponed and also disclosing the reason for such postponement, and shall include but is not limited to acquittal, acquittal by reason of insanity, acquittal by reason of mental incompetence, case continued without finding, charge dismissed, charge dismissed due to insanity, charge dismissed due to mental incompetency, charge still pending due to insanity, charge still pending due to mental incompetence, guilty plea, nolle prosequi, nolo contendere plea, convicted, youthful offender determination or transfer to juvenile jurisdiction, deceased, deferred disposition, dismissed—civil action, found insane or mentally incompetent, pardoned, probation before conviction, sentence commuted, adjudication withheld, mistrial—defendant discharged, executive clemency, placed on probation, paroled, released from correctional supervision, or fugitive from justice;
- (7) "Complete" refers to the fact that criminal history record information should show all dispositions as the case moves through the various segments of the criminal justice system;
- (8) "Accurate" refers to the fact that criminal history record information contains no erroneous information of a material nature; and
- (9) "Nonconviction data" means arrest information without a disposition if an interval of one year has elapsed from the date of arrest and no active prosecution of the charge is pending; or information disclosing that the police have elected not to refer a matter to a prosecutor, or that a prosecutor has elected not to commence criminal proceedings, or that proceedings have been indefinitely postponed, as well as all acquittals and all dismissals; and
- (10) "Data center" means the State agency responsible for the collection, storage, dissemination, and analysis of all pertinent criminal history record information and related functions, including but not limited to, providing technical assistance in the development of information systems and conducting appropriate research and statistical studies.

**Sec. -2 Establishment of the data center.** There shall be a data center which will be attached to the judiciary for administrative purposes. The data center shall be directed and managed by an interim director to be appointed by the governor. There shall also be a committee, composed of selected criminal justice agency per-

sonnel, to act in an advisory capacity to the data center in matters related to interagency coordination and user needs.

**Sec. -3 Reporting to data center.** The chiefs of the police of the counties of the State and agencies of state and county governments having power of arrest shall furnish the data center with descriptions of all such persons who are arrested by them for any felony or misdemeanor, or as fugitives from the criminal justice system of another jurisdiction, or for any offense declared by rule or regulation promulgated by the attorney general to be a significant offense necessary to be reported for the proper administration of criminal justice. The data center shall in all appropriate cases forward necessary identifying data and other information to the system maintained by the Federal Bureau of Investigation.

**Sec. -4 Query of data center.** Criminal justice agencies shall query the data center to assure that the most up-to-date disposition data is being used. Such inquiries shall be made prior to any dissemination except in those cases where the agency determines that time is of the essence and the center is technically incapable of responding within the necessary time period, provided, however, that where local criminal justice agencies have entered into agreements for the sharing of a computerized criminal history record information system, the agency operating such system shall not be required to query the data center prior to disseminating information to the agencies which are party to the agreements.

**Sec. -5 Reporting of dispositions.** It shall be the responsibility of every criminal justice agency in this State to report to the data center the disposition of cases which enter their area in the administration of criminal justice to insure that all systems maintained in this State shall contain complete and accurate criminal history record information. All dispositions shall be reported as promptly as feasible but not later than ninety days after the happening of an event which constitutes disposition.

**Sec. -6 Systematic audit.** All criminal justice agencies shall institute a process of data collection, entry, storage, and systematic audit of criminal history record information that will minimize the possibility of recording and storing inaccurate information. Any criminal justice agency which finds that it has reported inaccurate information of a material nature shall forthwith notify all criminal justice agencies known to have received such information. All criminal justice agencies shall:

- (1) Maintain for a minimum period of one year a listing of the individuals or agencies both in and outside of the State to which criminal history record information was released, a record of what information was released, and the date such information was released;
- (2) Establish a delinquent disposition monitoring system; and
- (3) Verify all record entries for accuracy and completeness.

**Sec. -7 Security.** Wherever criminal history record information is collected, stored, or disseminated, the criminal justice agency or agencies responsible for the operation of the system shall:

- (1) Have power to determine for legitimate security purposes which personnel can be permitted to work in a defined area where such information is stored, collected, or disseminated;

- (2) Select and supervise all personnel authorized to have direct access to such information;
- (3) Assure that an individual or agency authorized direct access is administratively held responsible for the physical security of criminal history record information under its control or in its custody and the protection of such information from unauthorized access, disclosure, or dissemination;
- (4) Institute procedures to reasonably protect any data center of criminal history record information from unauthorized access, theft, sabotage, fire, flood, wind, or other natural or manmade disasters;
- (5) Provide that each employee working with or having access to criminal history record information is to be made familiar with the substance and intent of this chapter and of regulations promulgated thereunder; and
- (6) Require that direct access to criminal history record information is to be available only to authorized officers or employees of a criminal justice agency and, as necessary, other authorized personnel essential to the proper operation of the criminal history record information system.

Where a noncriminal justice agency operates a system, the participating criminal justice agency shall be responsible for review, approval, and monitoring of procedures developed to assure compliance with this section.

**Sec. -8 Exclusions.** This chapter shall not apply to criminal history record information contained in:

- (1) Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons;
- (2) Original records of entry such as police blotters maintained by criminal justice agencies, compiled chronologically and required by law or long-standing custom to be made public if such records are organized on a chronological basis;
- (3) Court records of public judicial proceedings;
- (4) Published court or administrative opinions or public judicial, administrative, or legislative proceedings;
- (5) Records of traffic offenses maintained for the purpose of regulating the issuance, suspension, revocation, or renewal of driver's, pilot's, or other operators' license;
- (6) Announcements of executive clemency or pardon, by the Hawaii paroling authority or the governor of the State.

Nothing in this chapter shall prevent a criminal justice agency from disclosing, to the public, criminal history record information related to the offense for which an individual is currently within the criminal justice system, including his place of incarceration; and, nothing in this chapter shall prevent a criminal justice agency from confirming prior criminal history record information to members of the news media or any other person, upon specific inquiry as to whether a named individual was arrested, detained, indicted, or other formal charge was filed, on a specific date, if the arrest record information or criminal history record information disclosed is based on data excluded by the first paragraph of this section. Nothing in this chapter prohibits the dissemination of criminal history record information for purposes of international travel, such as issuing visas and granting of citizenship.

**Sec. -9 Limitations on dissemination.** Dissemination of nonconviction data shall be limited, whether directly or through any intermediary, only to:

- (1) Criminal justice agencies, for purposes of the administration of criminal justice and criminal justice agency employment;
- (2) Individuals and agencies specified in section -10 of this chapter;
- (3) Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement, provided that such agreement shall specifically authorize access to data, limit the use of data to purposes for which given, and insure the security and confidentiality of the data consistent with the provisions of this chapter;
- (4) Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency; provided that such agreement shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and insure the confidentiality and security of the data consistent with the purposes of this chapter;
- (5) Individuals and agencies for any purpose authorized by statute, ordinance, executive order, or court rule, decision, or order, as construed by appropriate state or local officials or agencies; and
- (6) Agencies of state or federal government which are authorized by statute or executive order to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information.

These dissemination limitations do not apply to conviction data.

Criminal history record information disseminated to non-criminal justice agencies shall be used only for the purposes for which it was given.

No agency or individual shall confirm the existence or nonexistence of criminal history record information to any person or agency that would not be eligible to receive the information itself.

**Sec. -10 Dissemination.** Criminal history record information may be disseminated to:

- (1) The governor in individual cases or situations wherein he elects to become actively involved in the investigation of criminal activity or the administration of criminal justice in accordance with his constitutional duty to insure that the laws be faithfully executed;
- (2) The attorney general in connection with his statutory authority and duties in the administration and enforcement of the criminal laws and for the purpose of administering and insuring compliance with the provisions of this chapter;
- (3) To such other individuals and agencies who are provided for in this chapter or by rule or regulation.

**Sec. -11 Office of correctional information and statistics.** The data center shall coordinate its activities with the records system of the intake service centers of the office of correctional information and statistics. Criminal history record information shall be provided from this office to the data center and the

functions of each shall be coordinated so that there will be no overlap, or duplication of efforts.

**Sec. -12 Juvenile records.** Dissemination and disposition of records concerning proceedings relating to the adjudication of a juvenile as a delinquent or in need of supervision (or the equivalent) in family court to non-criminal justice agencies is prohibited, unless a statute, court order, rule, or decision, or federal executive order specifically authorizes such dissemination, except that juvenile records may be disseminated to individuals and agencies set forth in paragraphs (3) and (4) of section

-9. Juvenile records disseminated to non-criminal justice agencies shall be used only for the purposes for which they were given and may not be disseminated further.

**Sec. -13 Annual audits.** The attorney general shall conduct annual audits of a representative sample of criminal justice agencies which may be chosen on a random basis, to verify the accuracy and completeness of criminal history record information maintained by such agencies, and to determine adherence with this chapter and regulations promulgated thereunder. Criminal justice agencies shall retain appropriate records to facilitate the annual audits. Audit of the data center shall be performed by another state agency.

**Sec. -14 Access and review.** Any individual who asserts that he has reason to believe that criminal history record information relating to him is maintained by any information system in this State shall be entitled to review such information for the purpose of determining its accuracy and completeness by making application to the agency operating such system. The applicant shall provide satisfactory identification which shall be positively verified by fingerprints. Rules and regulations promulgated under this section shall include provisions for administrative review and necessary correction of any claim by the individual to whom the information relates that the information is inaccurate or incomplete; provisions for administrative appeal where a criminal justice agency refuses to correct challenged information to the satisfaction of the individual to whom the information relates; provisions for supplying to an individual whose record has been corrected, upon his request, the names of all non-criminal justice agencies to which the data have been given; and provisions requiring the correcting agency to notify all criminal justice recipients of corrected information. The review authorized by this section shall be limited to a review of criminal history record information.

**Sec. -15 Rules and regulations.** The attorney general shall adopt rules and regulations, as may be necessary, which will insure compliance with the provisions of this chapter by the most efficient and effective means possible.

**Sec. -16 Violations.** Any person who knowingly permits unauthorized access to criminal history record information, or who knowingly disseminates criminal history record information in violation of the provisions of this chapter, or any person violating any agreement authorized by paragraphs (3) and (4) of section -9, or any person who gains unauthorized access to criminal history record information shall be guilty of a misdemeanor.”

SECTION 3. Any provision of this Act which is held to be a legislative mandate to the counties pursuant to Article VIII, section 5, of the Hawaii State Constitution shall be invalid. 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 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 4. This Act shall take effect upon its approval.

(Approved May 26, 1979.)

## ACT 130

H.B. NO. 288

A Bill for an Act Relating to Vital Statistics.

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

SECTION 1. Section 338-17.7, Hawaii Revised Statutes, is amended by amending subsection (d) to read:

“(d) A new certificate of birth shall be prepared by the director of health for a person born in the State upon receipt of an affidavit of a physician that he has examined the person who has had a sex change operation, and that by reason of the operation the sex designation on such person’s birth record should be changed. The director of health may make a further investigation or require any further information he deems necessary.”

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

(Approved May 26, 1979.)

## ACT 131

H.B. NO. 479

A Bill for an Act Relating to Advertising by Optometrists.

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

SECTION 1. The purpose of this Act is to allow optometrists to advertise in the public media and thereby stimulate competition which would lower the price of optometric services and products. The result is that necessary eye care will be made more economically available in the interests of more adequately serving the consumer. Permitting advertising will not jeopardize quality since the statutory provisions relating to quality are not affected.

SECTION 2. Section 459-9, Hawaii Revised Statutes, is amended as follows:

“**Sec. 459-9 Refusal to permit examination or issue certificate; grounds for.** The board of examiners in optometry may refuse to admit persons to its examinations or to issue the certificates for any of the following causes:

- (1) Presentation to the board of any certificate or testimony which was illegally or fraudulently obtained, or when fraud or deceit has been practiced in passing an examination;
- (2) Other grossly unprofessional or dishonorable conduct of a character likely

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.



- to deceive or defraud the public, or habits of intemperance, or drug addiction calculated to destroy the accuracy of the work of an optometrist;
- (3) Advertising in the following manner:
    - (A) By any means whatsoever, directly or indirectly, to offer lens, lenses, glasses, or frames or fittings thereof at a discount or as a premium for the purchase of any article of merchandise;
    - (B) By means of false and deceptive statements or by statements which tend to deceive or defraud; or to claim superiority over fellow optometrists; or to publish reports of cases or certificates of same in any public advertising media;
    - (C) In conjunction with any nonlicensed person or groups of individuals by permitting the use of his name, professional title, or profession;
  - (4) Directly or indirectly accepting employment to practice optometry from any person not having a valid, unrevoked certificate of registration as an optometrist or from any company or corporation;
  - (5) Making of a house-to-house canvass either in person or through solicitors or associates for the purpose of selling, advertising, or soliciting the sale of eyeglasses, spectacles, lenses, frames, mountings, eye examinations, or optometric services; peddling of eyeglasses, spectacles, or lenses from house-to-house or on the streets or highways notwithstanding any law for the licensing of peddlers;
  - (6) Renting space, subleasing departments, or otherwise occupying space to practice optometry on the premises of a commercial (mercantile) concern. Optometric practices must be under the registered optometrist's ownership and under his exclusive control. It must not be in conjunction with a scheme or plan with a commercial (mercantile) concern. The prescription files must be the sole property of the optometrist. The office must be definite and apart from the space occupied by any commercial (mercantile) concern so that all signs are separate and distinct from the commercial (mercantile) concern and all entrances to the premises must be separate and definite in character such that there could be no misleading interpretation that his practice is in any way associated with a commercial (mercantile) concern;
  - (7) Soliciting or receiving, directly or indirectly, any price differential, rebate, refund, discount, commission, credit, kickback, or other such allowance, whether in the form of money or otherwise, from a dispensing optician for or on account of referring or sending to the dispensing optician of any intended or prospective wearer or user of any article or appliance prepared or furnished by a dispensing optician, or for or on account of any service or article furnished by the dispensing optician to any such intended or prospective wearer or user;
  - (8) Using any name in connection with his practice other than the name under which he is licensed to practice, or failing to comply with the following provisions, to wit: all signs, cards, stationery, or other advertising must clearly identify the individual optometrist using or presenting the same and must be free from any ambiguity or possibility of misinterpretation as to such identity;

- (9) Employing or utilizing any unlicensed individual to perform optometric services in connection with refraction or visual training without directly and personally supervising the individuals in the performances of the services.”

SECTION 3. Chapter 459, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**Sec. 459- Advertising, contents of.** All advertising by an optometrist which contains a price for specified ophthalmic goods or services shall contain the following information when appropriate:

- (1) Whether an advertised price includes single vision or multifocal lenses;
- (2) Whether an advertised price for contact lenses refers to soft or hard lenses;
- (3) Whether an advertised price for ophthalmic goods includes an eye examination;
- (4) Whether an advertised price for ophthalmic goods includes all dispensing fees; and
- (5) Whether an advertised price for eyeglasses includes both frames and lenses.”

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 26, 1979.)

## ACT 132

H.B. NO. 589

A Bill for an Act Relating to Workers' Compensation.

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

SECTION 1. Section 386-21, Hawaii Revised Statutes, is amended to read:

“**Sec. 386-21 Medical care, services and supplies.** Immediately after a work injury sustained by an employee and so long as reasonably needed the employer shall furnish to the employee all medical care, services and supplies as the nature of the injury requires.

Whenever medical care is needed, the injured employee may select any physician or surgeon who is practicing on the island where the injury was incurred to render such care. If the services of a specialist are indicated, the employee may select any such physician or surgeon practicing in the State. The director of labor and industrial relations may authorize the selection of a specialist practicing outside the State where no comparable medical attendance within the State is available. Upon procuring the services of such physician or surgeon, the injured employee shall give proper notice of his selection to the employer within a reasonable time after the beginning of the treatment. If for any reason during the period when medical care is needed, the

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

employee wishes to change to another physician or surgeon, he may do so in accordance with rules prescribed by the director. If the employee is unable to select a physician or surgeon and the emergency nature of the injury requires immediate medical attendance, or if he does not desire to select a physician or surgeon and so advises the employer, the employer shall select the physician or surgeon. Such selection, however, shall not deprive the employee of his right of subsequently selecting a physician or surgeon for continuance of needed medical care.

The liability of the employer for required medical care, medical services and medical supplies shall be limited to the charges computed as set forth in the section. The director shall make determinations of such charges and promulgate fee schedules based upon such determinations as are set forth in this section. For calendar year 1974 and for each succeeding calendar year thereafter the charges shall be limited to the amounts determined in Regulation XXXI of the department which became effective on August 31, 1971, and amendments thereto, adjusted to reflect increases or decreases in the Consumer Price Index for the Honolulu region prepared by the Bureau of Labor Statistics of the United States Department of Labor which have occurred in the [four calendar quarters ending September 30] last twelve months ending August 31 of the year preceding]; provided, that for the period July 1, 1973 through December 31, 1973, the charges set forth in Regulation XXXI shall be increased by the percentage increase in the Consumer Price Index for the Honolulu region which occurred during the period from August 1, 1971 to September 30, 1972].

The adjustments in charges provided for in this section shall be computed annually and rounded to the next higher multiple of ten cents in each case.

Notwithstanding the foregoing, the director shall review and if necessary revise said Regulation XXXI every three years, the review and revision to be conducted in accordance with section 91-3. The first review and revision shall be completed no later than December 1, 1974, to be effective January 1, 1975, and subsequent reviews [and/or] or revisions shall be made at each three year interval thereafter. In making such [review] reviews and revisions and promulgating fee schedules pursuant thereto, the director shall establish reasonable fees for medical care, medical services and medical supplies and may take into consideration in making such determination the charges made in the State for similar treatment of injuries which are not compensable under this chapter. The director may at any time, in the foregoing manner, establish an additional fee schedule or schedules to cover charges for medical care, medical services and medical supplies not previously regulated pursuant to the provisions of this section.

The liability of the employer may exceed the amount set forth in such fee schedule or schedules, only under conditions prescribed by the director.

If it appears to the director that the injured employee has wilfully refused to accept the services of a competent physician or surgeon selected as provided in this section, or has wilfully obstructed the physician or surgeon, or medical, surgical, or hospital services or supplies, the director may in his discretion consider such refusal or obstruction on the part of the injured employee to be a waiver by him in whole or in part of his right to medical care, services and supplies, and may in his discretion suspend the weekly benefit payments, if any, to which the employee is entitled so long as such refusal or obstruction continues.

Such funds as are periodically necessary to the department to implement the

foregoing provisions may be charged to and paid from the special compensation fund provided by section 386-151.”

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

(Approved May 26, 1979.)

## ACT 133

H.B. NO. 643

A Bill for an Act Relating to Elections.

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

SECTION 1. Section 11-42, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 11-42 Compensation.** The members of the board of registration shall be paid \$45 a day for each day of actual service.”

SECTION 2. Section 11-73, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 11-73 Instruction of precinct officials.** Prior to any election, the chief election officer or clerk in county elections shall conduct a school of instruction, if deemed necessary, for persons designated as prospective precinct officials of precincts. They shall notify the precinct officials of the time and place of the school of instruction.

All prospective precinct officials shall attend a school of instruction. The chairman of the precinct officials shall be required to also attend a refresher course before each election. It shall be at the discretion of the chief election officer or the county clerk in county elections to require those precinct officials with previous training to attend a school of instruction prior to each election.

No precinct official shall serve unless he has received instruction and has been certified by the authorized instructor to that effect. This section shall not prevent the assignment of a person who has not received such instruction or such certificate but who is otherwise qualified, to fill a vacancy among precinct officials when a qualified certified person is not available. Periodic recertification shall be required.”

SECTION 3. Section 11-93, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 11-93 Voting units.** Immediately after the close of registration of voters preceding any election, the chief election officer shall establish one or more voting units in each precinct polling place. All voting units shall be in the same precinct polling place. In a precinct having more than one voting unit, the chief election officer or his authorized representative shall designate each unit by a uniform identification system. The clerk in preparing the list of registered voters shall divide the list, on an alphabetical basis, as equal as possible between or among the voting units.”

SECTION 4. Section 11-119, Hawaii Revised Statutes, is amended to read:

“**Sec. 11-119 Printing; quantity.** The ballots shall be printed by order of the chief election officer or the clerk in the case of county elections. In any state or county

election the chief election officer on agreement with the clerk may consolidate the printing contracts for similar types of ballots where such consolidation will result in lower costs.

Based upon clarity and available space, the chief election officer or the clerk in the case of county elections shall determine the type, style, and size to be used in printing the ballots.

Each precinct shall receive a sufficient number of ballots based on the number of registered voters and the expected spoilage in the election concerned. A sufficient number of absentee ballots shall be delivered to each clerk not later than 4:30 p.m. on the tenth day prior to the date of any election."

SECTION 5. Section 11-173.5, Hawaii Revised Statutes, is amended to read:

**"Sec. 11-173.5 Contests for cause in primary and special primary elections.** (a) In primary and special primary election contests, the complaint shall be filed in the office of the clerk of the supreme court not later than 4:30 p.m. on the sixth day after a primary or special primary election and shall be accompanied by a deposit for costs of court as established by rules of the supreme court. The clerk shall issue to the defendants named in the complaint a summons to appear before the supreme court not later than 4:30 p.m. on the fifth day after service thereof.

(b) In primary and special primary election contests the court shall hear the contest in a summary manner and at the hearing the court shall cause the evidence to be reduced to writing and shall not later than 4:30 p.m. on the fourth day after the return give judgment fully stating all findings of fact and of law. The judgment shall decide what candidate was nominated or elected, as the case may be, in the manner presented by the petition, and a certified copy of the judgment shall forthwith be served on the chief election officer or the county clerk, as the case may be, who shall place the name of the candidate declared to be nominated on the ballot for the forthcoming general or special general election. The judgment shall be conclusive of the right of the candidate so declared to be nominated; provided that this subsection shall not operate to amend or repeal section 12-41."

SECTION 6. Section 11-174.5, Hawaii Revised Statutes, is amended to read:

**"Sec. 11-174.5 Contests for cause in general, special general, and special elections.** (a) In general, special general, or special elections, the complaint shall be filed in the office of the clerk of the supreme court not later 4:30 p.m. on the twentieth day following the general, special general, or special election and shall be accompanied by a deposit for costs of court as established by rules of the supreme court. The clerk shall issue to the defendants named in the complaint a summons to appear before the supreme court not later than 4:30 p.m. on the tenth day after service thereof.

(b) In cases involving general, special general, and special elections the complaint shall be heard by the supreme court in which the complaint was filed as soon as it reasonably may be heard. On the return day, the court, upon its motion or otherwise, may direct summons to be issued to any person who may be interested in the result of the proceedings.

At the hearing, the court shall cause the evidence to be reduced to writing and shall give judgment, stating all findings of fact and of law. The judgment may invalidate the general, special general, or special election on the grounds that a

correct result cannot be ascertained because of a mistake or fraud on the part of the precinct officials; or decide that a certain candidate, or certain candidates, received a majority or plurality of votes cast and were elected. If the judgment should be that the general, special general, or special election was invalid, a certified copy thereof shall be filed with the governor, and he shall duly call a new election to be held not later than on the sixtieth day after the judgment is filed. If the court shall decide which candidate or candidates have been elected, a copy of that judgment shall be served on the chief election officer or county clerk, who shall sign and deliver to the candidate or candidates certificates of election, and the same shall be conclusive of the right of the candidate or candidates to the offices.”

SECTION 7. Chapter 12, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**Sec. 12- Nomination papers; when available.** Nomination papers shall be made available from the first working day of February in every even-numbered year; provided that in the case of a special primary or special election, nomination papers shall be made available sixty days prior to the close of filing.”

SECTION 8. Section 15-9, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 15-9 Return and receipt of absentee ballots.** (a) The reply envelope shall be:

- (1) Mailed and must be received by the clerk issuing the absentee ballot not later than the closing of the polls on any election day; or
- (2) Delivered other than by mail to the clerk issuing the absentee ballot not later than the closing of the polls on any election day.

Upon receipt of the reply envelope from any person voting under this chapter, the clerk or the officials of the absentee polling place shall time stamp the reply envelope and deposit it in the correct absentee ballot container. On election day the container shall be opened by the officials of the absentee polling place.

(b) Prior to opening the envelopes and counting the ballots, the envelopes shall be checked for the following:

- (1) Signature on the affirmation statement;
- (2) Whether the signature corresponds with the absentee request or register; and
- (3) Whether the person is a registered voter and has complied with the requirements of sections 11-15 and 11-16.

If any of the above requirements is not met or if the envelope appears to be tampered with, the clerk or the precinct official shall mark across the face of the envelope “invalid” and it shall be kept in the custody of the clerk and disposed of as prescribed for ballots in section 11-154.

If an absentee polling place is established at the clerk’s office prior to election day, the officials of the absentee polling place shall check the envelopes for the above requirements prior to depositing them in the correct absentee ballot container.”

SECTION 9. Statutory material to be repealed is bracketed. New material is

## ACT 134

underscored.\*

SECTION 11.† This Act shall take effect upon its approval.

(Approved May 26, 1979.)

## ACT 134

H.B. NO. 732

A Bill for an Act Relating to the Hawaii Capital Loan Program.

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

SECTION 1. Section 210-6, Hawaii Revised Statutes, is amended to read:

**“Sec. 210-6 Direct loans, terms, and restrictions.** The department of planning and economic development may make loans to small business concerns for the 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. The loans may be made in conjunction with loans made by other financial institutions, including the SBA. Where the loans made by the department are secured, the security may be subordinated to the loans made by other financial institutions, when the subordination is required in order to obtain loans from such institutions. The necessity for and the extent of security required in any loan shall be determined by the director of planning and economic development.

The foregoing powers shall be subject, however, to the following restrictions and limitations:

- (1) No loans shall be granted unless financial assistance is not available to the applicant.
- (2) The amount of the loan or loans to any one applicant at any one time shall in no case exceed a total of ~~[\$50,000.]~~ \$100,000.
- (3) No loan shall be made for a term exceeding twenty years.
- (4) Each loan shall bear simple interest at the rate of seven and one half per cent a year.
- (5) The commencement date for the repayment of the first installment on the principal of each loan may be deferred by the director, but in no event shall such initial payment be deferred in excess of five years.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 26, 1979.)

## ACT 135

H.B. NO. 1588

A Bill for an Act Relating to Degree Granting Institutions.

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

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

†So in original. There is no section 10.

SECTION 1. Chapter 446D, Hawaii Revised Statutes, is repealed.

SECTION 2. The Hawaii Revised Statutes are amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
UNACCREDITED DEGREE GRANTING  
INSTITUTIONS**

**Sec. -1 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) “Unaccredited institution” means a degree granting institution which has not 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.

**Sec. -2 Disclosure.** Any degree granting institution which is not a fully accredited institution shall disclose in all communications addressed to the general public or to potential students, and in contracts to furnish instruction, the fact that the institution is not fully accredited by any nationally recognized accrediting agency or association listed by the United States Commissioner of Education. The institution shall disclose whether it is provisionally accredited, or is a candidate for accreditation. The accrediting agency or association shall be identified. In all written communications, and contracts for instruction, the disclosure shall be made in boldface print and in a manner reasonably calculated to draw the attention of the reader and shall read substantially as follows:

(Name of Degree Granting Institution) IS NOT ACCREDITED BY A RECOGNIZED ACCREDITING AGENCY OR ASSOCIATION RECOGNIZED BY THE UNITED STATES COMMISSIONER OF EDUCATION.

**Sec. -3 Sanction.** Failure by any unaccredited institution to make the disclosure required by this section shall constitute an unfair or deceptive act or practice under section 480-2.”

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

(Approved May 26, 1979.)

**ACT 136**

**H.B. NO. 1627**

A Bill for an Act Relating to Elderly Affairs.

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

SECTION 1. Chapter 349, Hawaii Revised Statutes, is amended as follows:



1. By amending section 349-4 to read:

**“Sec. 349-4 Policy advisory board for elderly affairs.** There shall be a policy advisory board for elderly affairs, appointed by the governor under section 26-34. The board shall advise the director in, but not limited to, the following areas:

- (1) The identification of issues and alternative approaches to solutions;
- (2) The development of position statements and papers;
- (3) Advocacy and legislative actions; and
- (4) Program development and operations.

The board shall consist of not less than twenty-one nor more than twenty-nine members, a majority of whom are over sixty years of age and who shall be selected on the basis of their interests and knowledge in and their ability to make contributions to the solution of problems relating to aging, and shall include at least one member from the county of Hawaii, one member from the county of Maui, one member from the county of Kauai, and one member from the city and county of Honolulu. There shall be nine members who shall serve as ex officio members and shall be chosen from among the heads of the following state agencies which provide services or programs affecting the elderly: health, social services and housing, education, labor and industrial relations, University of Hawaii, transportation, the state retirement system, the office of consumer protection, and, by invitation, the Hawaii representative of the United States Department of Health, Education and Welfare. Of the non ex officio members, one-third of the members shall be appointed for the term of four years, one-third for the term of three years, and one-third for the term of two years; and thereafter the terms of office of each member shall be four years. The members shall serve without compensation, but shall be paid their necessary expenses in attending meetings and carrying out the responsibilities of the board. The chairman shall be elected annually from the nongovernmental members of the board. There shall be not less than twelve meetings of the board each year.”

2. By amending section 349-9 to read:

**“Sec. 349-9 County functions.** Each county may establish a county office on aging and a county council on aging pursuant to the Older Americans Act of 1965, as amended.”

3. By amending section 349-10 to read:

**“Sec. 349-10 Annual senior citizen’s fair.** Each county may hold an annual senior citizen’s fair in its respective county. The county shall be responsible for the planning, organizing, and coordinating of the fair in every respect. The state policy advisory board for elderly affairs may assist the county in any aspect upon request. Proceeds earned from this fair are deemed to be proceeds earned from casual sales as defined in chapter 237. The county shall distribute such proceeds to the various senior citizen organizations and individuals who participate in the fair in accordance with appropriate methods of distribution as determined by the county.”

SECTION 2. Act 217, Session Laws of Hawaii 1976, is amended as follows:

1. By amending Section 3 to read:

**“SECTION 3.** All functions and programs of the state commission on aging are transferred to the executive office on aging created by this Act. All functions and programs of the county committees on aging are transferred to the counties.

All state officers, employees, and the present state commission on aging shall serve until the appointment of the director of the executive office on aging and a majority of the members of the state policy advisory board. All officers, employees, and the county committees on aging shall serve until the counties implement this Act.

All officers and employees whose functions are transferred by this Act shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to the state personnel laws and this Act.

No officer or employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act, and such officer or employee may be transferred or appointed to a civil service position without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which he is transferred or appointed; and provided that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

An officer or employee of the State who does not have tenure and who may be transferred or appointed to a civil service position as a consequence of this Act shall become a civil service employee without the loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges and without the necessity of examination; provided that such officer or employee possesses the minimum qualifications for the position to which he is transferred or appointed.

In the event that an office or position held by an officer or employee having tenure is abolished, the officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which the officer or employee is eligible under the personnel laws of the State as determined by the head of the department or the governor.”

2. By amending Section 4 to read:

“SECTION 4. All records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the state or county commission relating to the functions transferred to the executive office on aging, or to the counties shall be transferred with the functions to which they relate.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 26, 1979.)

ACT 137

H.B. NO. 1654

A Bill for an Act Relating to Aquaculture Loans.

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

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

SECTION 1. Section 219-4, Hawaii Revised Statutes, is amended to read:

**“Sec. 219-4 Funds; application of payments.** (a) There is established a special fund to be known as the aquaculture loan revolving fund from which moneys shall be loaned by the department of agriculture under this chapter.

(b) All interests 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; any moneys surplus to these needs shall be transferred to the aquaculture loan revolving fund at the discretion of the department. All payments received on account of principal shall be credited to the loan revolving fund.”

SECTION 2. Section 219-5, Hawaii Revised Statutes, is amended to read:

**“Sec. 219-5 Rules and regulations.** The department 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 purpose 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 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, consistent with section 219-6.
- (6) To authorize the department 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 moneys received on account of principal.
- (8) To include in its budget for subsequent fiscal periods amounts necessary to effectuate the purposes of this chapter.
- (9) Insure loans made to qualified aquaculturalists by private lenders under sections 219-7 and 219-8; provided that at no time shall the aggregate amount of the State's liability, contingent or otherwise, on such loans exceed \$1,000,000.
- (10) Participate in loans made to qualified aquaculturalists by private lenders under section 219-8.

- (11) Establish interest rates chargeable by the State for direct loans and by private lenders for insured and participation loans.
- (12) Maintain a proper reserve in the aquaculture loan revolving fund to guarantee payment of loans insured under sections 219-7 and 219-8.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 26, 1979.)

## ACT 138

H.B. NO. 1656

A Bill for an Act Relating to Unauthorized Vehicles on School and Library Grounds.

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

SECTION 1. Section 298-26, Hawaii Revised Statutes, is amended to read:

“**Sec. 298-26 Unauthorized vehicles on school or public library grounds.** Any unauthorized vehicle parked on school or public library grounds may be towed away at the owner’s expense, or the owner or driver of the vehicle may be arrested by any police officer without warrant, on complaint of the principal, librarian or other person in charge of the school or library. Notwithstanding any provision to the contrary in the Penal Code or any other law, upon conviction thereof he shall be fined not more than \$50.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 26, 1979.)

## ACT 139

S.B. NO. 9

A Bill for an Act Relating to Primary Elections (Constitutional Amendment of Article II, Section 4).

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

SECTION 1. **Purpose.** The purpose of this Act is to implement Article II, Section 4 of the Constitution of the State of Hawaii, as amended by the Hawaii Constitutional Convention of 1978, and ratified by the electorate on November 7, 1978.

SECTION 2. Section 11-14, Hawaii Revised Statutes, is amended to read as follows:

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

**“Sec. 11-14 General county register; restrictions in use.** (a) The clerk of each county shall register all the voters in his county in the general county register. The register shall contain the name and address of each voter. Additional information required by section 11-15 may be included in the register at the discretion of the clerk. The voter’s name shall be maintained alphabetically in the register and be capable of segregation by precinct and representative district. The clerk shall keep the original or photographic copy of the affidavit of registration required by section 11-15. The general county register shall, at all times during business hours, be open to public inspection, and shall be a public record.

(b) The affidavits filed under section 11-15 and the general county register may be copied, and the clerk may release voter lists and tabulating cards or computer tapes containing data furnished in the affidavit, pursuant to ordinances promulgated by the respective county councils.

(c) Voter registration information which is collected and maintained by the clerk of each county may be transmitted to a central file for the purpose of correlating registration data to prevent or detect duplicate voter registrations and for the compilation of election reports.”

SECTION 3. Section 11-24, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 11-24 Closing register; list of voters.** At 4:30 p.m. on the thirtieth day prior to each primary, special primary, or special election (but if such day is a Saturday, Sunday, or holiday then at 4:30 p.m. on the first working day immediately thereafter), the general county register shall be closed to registration for persons seeking to vote at such primary, special primary, or special election and remain closed to such registration until after the election, subject to change only as provided in sections 11-22, 11-25, 11-26, and this section.

Notwithstanding the closing of the register for registration to vote at the primary or special primary election, the register shall remain open for the registration of persons seeking to vote at the general or special general election, until 4:30 p.m. on the thirtieth day prior to the general or special general election (but if such day is a Saturday, Sunday, or holiday then at 4:30 p.m. on the first working day immediately thereafter), at the end of which period the general county register shall be closed to registration and remain closed until after the general or special general election next following, subject to change only as provided in sections 11-22, 11-25, and 11-26.

Immediately upon the closing of the general county register, the clerk shall proceed to prepare a list of all registered voters in each precinct, separately. The list shall contain, in alphabetical order, without designation of the race or age of voters, the names of all voters so registered in each precinct, and the residence of each. The list shall be available for inspection at the office of the county clerk prior to election day. On election day the precinct officials shall post the list at the precinct polling place.”

SECTION 4. Section 11-25, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Challenging on election day. Any voter rightfully in the polling place may challenge the right of any person, presenting himself to the precinct officials to vote. The challenge shall be on the grounds that the voter is not the person he alleges

himself to be, or that the voter is not entitled to vote in that precinct. No other or further challenge shall be allowed. The challenge shall be considered and decided immediately by the precinct officials and the ruling announced.”

SECTION 5. Section 11-72, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 11-72 Precinct officials; submission of names and assignment; vacancies.** All qualified political parties shall submit names for precinct officials to the chief election officer not later than 4:30 p.m. on the ninetieth day prior to the close of filing for any primary, special primary, or special election. All precinct officials shall be able to read and write the English language. If any party shall fail to submit the required names by the above deadline, the chief election officer may fill such positions with available qualified persons.

In assigning the precinct officials the following criteria shall be followed:

- (1) The precinct officials shall be registered voters of the precinct in which they serve; but if qualified persons in the precinct or representative district are not readily available to serve, they may be chosen from without the precinct or representative district.
- (2) The chief election officer may designate more precinct officials than are needed in order to create a pool of qualified precinct officials who may be assigned to fill vacancies or to perform such duties as needed in any precinct.
- (3) No parent, spouse, child, or sibling of a candidate shall be eligible to serve as a precinct official in any precinct in which votes may be cast for the candidate; nor shall any candidate for any elective office be eligible to serve as a precinct official in the same election in which he is a candidate. No candidate who failed to be nominated in the primary or special primary election shall be eligible to serve as a precinct official in the general election next following.
- (4) The chairman of the precinct officials shall be of the same party as the governor and shall be the first named precinct official on the list prepared by the chief election officer. The remainder of the precinct officials shall be apportioned as follows:
  - (A) The total votes cast, except those cast for nonpartisan candidates, for all of the following offices which were on the ballot in the next preceding general election shall be divided into the total votes cast for all the candidates of each party for such offices: president and vice-president, United States senator, United States representative, governor and lieutenant governor, state senator, state representative, and board of education.
  - (B) In the event that a party's proportion of votes cast exceeds fifty per cent, its share shall be one-half of the precinct officials. The remaining one-half shall be divided among the remaining parties in proportion to their respective total of votes cast for the offices set forth in subparagraph (A).
  - (C) In the case of the above division resulting in parties having fractional

positions a whole position shall go to the party with the larger number of votes cast.

(D) Newly qualified parties may be assigned up to ten per cent of the total positions available at the discretion of the chief election officer.

In case of inability, failure, or refusal of any person so assigned to serve as a precinct official the chief election officer shall, so far as reasonably practicable, appoint a person to fill the vacancy from the same party as that of the person to be replaced. In case of doubt as to the party of a precinct official the chief election officer shall use first, the party membership list; and second, the person's word for his party affiliation."

SECTION 6. Section 12-3, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 12-3 Nomination paper: format; limitations.** The name of no candidate shall be printed upon any official ballot to be used at any primary, special primary, or special election unless a nomination paper was filed in his behalf and in the name by which he is commonly known. The nomination paper shall be in a form prescribed by the chief election officer containing substantially the following information:

- (1) A statement by the registered voters of the district from which the candidate is running signing the form that they are eligible to vote for the candidate at the next election;
- (2) A statement by the registered voters signing the form that they nominate the candidate for the office on the nomination paper;
- (3) The residence address and county in which the candidate resides;
- (4) The name of the candidate and the office for which he is running, which name and office is to be placed on the nomination paper by the chief election officer or the clerk prior to releasing the form to the candidate;
- (5) Space for the names of the registered voters signing the form and their district or districts and precinct or precincts;
- (6) A certification by the candidate that he will qualify under the law for the office he is seeking;
- (7) A certification by a party candidate that he is a member of the party, that he believes in the principles and policies of that party, that if elected he will carry out the provisions and pledges of the political platform of the party and will abide by the party's rules and regulations;
- (8) The name the candidate wishes inserted on the ballot and the post office address of the candidate.

No signatures shall be counted, unless they are upon the nomination paper having the format set forth above, written or printed thereon, and if there are separate sheets to be attached to the nomination paper, the sheets shall have the name of the person and the office for which he is running placed thereon by the chief election officer or the clerk. The nomination paper and separate sheets shall be provided by the chief election officer or the clerk.

Nomination papers shall not be filed in behalf of any person for more than one party or for more than one office; nor shall any person file nomination papers both as a party candidate and as a nonpartisan candidate.

The office for which the candidate is running and his name may not be changed from that indicated on the nomination paper and separate sheets. If the candidate wishes to run for an office different from that for which the nomination paper states, he may request the appropriate nomination paper from the chief election officer or clerk and have it signed by the required number of voters.”

SECTION 7. Section 12-21, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 12-21 Official party ballots.** There shall be only one primary or special primary ballot for each party qualifying under the provisions of sections 11-61 or 11-62.

The primary or special primary ballot shall be clearly designated as such, and shall also be designated according to party. The names of candidates shall be arranged as provided for in section 11-115; provided that in elections using the electronic voting system, the names of all candidates seeking the same office shall be printed on the same side of the ballot card.

The chief election officer or the county clerk, in the case of county elections, shall approve printed samples or proofs of the respective party ballots as to uniformity of size, weight, shape and thickness prior to final printing of the official ballots.”

SECTION 8. Section 12-22, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 12-22 Official nonpartisan ballots.** There shall be only one primary or special primary ballot containing the names of all nonpartisan candidates to be voted for and the offices for which they are candidates. The ballot shall be clearly designated as the nonpartisan primary or special primary ballot and shall conform in all other respects to the requirements relative to official party ballots.”

SECTION 9. Section 12-31, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 12-31 Selection of party ballot; voting.** No person eligible to vote in any primary or special primary election shall be required to state a party preference or nonpartisanship as a condition of voting. Each voter shall be issued the primary or special primary ballot for each party and the nonpartisan primary or special primary ballot. A voter shall be entitled to vote only for candidates of one party or only for nonpartisan candidates. If the primary or special primary ballot is marked contrary to this paragraph, the ballot shall not be counted.

In any primary or special primary election in the year 1979 and thereafter, a voter shall be entitled to select and to vote the ballot of any one party or nonpartisan, regardless of which ballot he voted in any preceding primary or special primary election.”

SECTION 10. Section 12-41, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 12-41 Result of election.** The person or persons receiving the greatest number of votes at the primary or special primary as a candidate of a party for an office shall be the candidate of the party at the following general or special general election but not more candidates for a party than there are offices to be elected;



provided that any candidate for any county office who is the sole candidate for that office at the primary or special primary election, or who is only opposed by a candidate or candidates running on his own ticket and is not opposed by any candidate running on any other ticket, nonpartisan or otherwise, and is nominated at the primary or special primary shall, after the primary or special primary be deemed and declared to be duly and legally elected to the office for which he is a candidate at the primary or special primary regardless of the number of votes received by him. Any nonpartisan candidate receiving at least ten per cent of the total votes cast for the office for which he is a candidate at the primary or special primary, or a vote equal to the lowest vote received by the partisan candidate who was nominated in the primary or special primary, shall also be a candidate at the following election; provided, that when more nonpartisan candidates qualify for nomination than there are offices to be voted for at the general or special general election, there shall be certified as candidates for the following election those receiving the highest number of votes, but not more candidates than are to be elected."

SECTION 11. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 12. Section 16-42, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 16-42 Electronic voting requirements.** When used at primary or special primary elections, the automatic tabulating equipment of the electronic voting system shall count only votes for the candidates of one party, or nonpartisans. In all elections the equipment shall reject all votes for an office when the number of votes therefor exceeds the number which the voter is entitled to cast."

SECTION 13. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 14. This Act shall take effect upon its approval.

(Approved June 1, 1979.)

A Bill for an Act Relating to Assignment of Wages for Child Support.

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

SECTION 1. Section 571-52, Hawaii Revised Statutes, is amended to read:

**"Sec. 571-52 Assignment by court order of future wages for future payments of support.** (a) Whenever any person has been ordered to pay an allowance for the support, maintenance, or education of a minor child, or for the support and maintenance of a spouse or former spouse, and fails or refuses to obey or perform the order and has been adjudged guilty of contempt of court for such failure or refusal, the

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

court may make an order which shall operate as an assignment by the person to the clerk of the court where the order is entered, for the benefit of the minor child or spouse, of such amounts at such times as may be specified in the order, from the salary, wages, or other income due or to become due in the future to such person from his employer or successor employers, until further order of the court. The order of assignment shall be effective immediately after service upon an employer of a true copy of the order, which service may be affected by certified or registered mail or by personal delivery. Thereafter, the employer shall for each pay period withhold from the salary, wages, or other income due to the person from the employer, and not required to be withheld by any other provision of federal or state law, and transmit to the clerk of the court as set forth in the order, as much as may remain payable to the person for such pay period up to the amount specified in the order of assignment as being payable during the same period. The person ordered to pay shall inform the court immediately of any change which would affect the order of assignment or the disbursement thereof. Compliance by an employer with the order of assignment shall operate as a discharge of the employer's liability to the employee for that portion of the employee's earnings withheld and transmitted to the clerk of court, whether or not the employer has withheld the correct amount. The term "employer" as used in this section includes the United States government, the State and any political subdivision thereof.

(b) Notwithstanding the provisions of subsection (a) of this section, whenever a court has ordered any person (hereinafter "obligor") to make periodic payments toward the support of a minor child and, upon petition of the person to whom such payments are ordered to be made, or that person's assignee, the court finds the obligor to be delinquent in payments due within the twenty-four months immediately preceding the filing of the petition in an amount equal to or greater than the sum of payments which would become due over a three-month period under that order, the court may order an assignment of future earnings or income of the obligor in an amount adequate to insure that payments which will become due in the future under the terms of the support order will be paid. Such an order shall operate as an assignment and shall be binding upon any person who is or shall become obligated to the obligor for payment of earnings or income and who has been served with a certified copy of the assignment order. For each payment made pursuant to an assignment order, the person making such payment may deduct and retain as an administrative fee the additional amount of two dollars from the earnings or income owed to the obligor. Any assignment made pursuant to an assignment order may have priority as against any garnishment, attachment, execution, or other assignment or order unless otherwise ordered by the court and the same shall not be subject to the exemption provisions of part III of chapter 651.

For purposes of this subsection, delinquencies in payments shall be computed on the basis of the moneys owed and unpaid on the date that the obligor under the support order has been given notice pursuant to law of the application for the order of assignment, and the fact that the obligor may have subsequently paid such delinquencies shall not relieve the court of its duty under this subsection to order the assignment.

(c) No employer shall use any assignment authorized by this section as a basis in whole or in part for the discharge of an employee or for any other disciplinary

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action against an employee.

(d) Notwithstanding any other provision of law, the provisions of this section shall be applicable to all moneys payable to any obligor including moneys payable as a pension or as an annuity or retirement or disability or death or other benefit, or as a return of contributions and interest thereon from the United States government, or from the State or other political subdivision thereof, or from any retirement, disability, or annuity system established by any of them pursuant to statute.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 1, 1979.)

**ACT 141**

S.B. NO. 1169

A Bill for an Act Relating to Registration of Vehicles.

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

SECTION 1. Section 286-56.5, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 286-56.5 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 or territory of the United States of America, 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 director of finance on such conditions as may be necessary on a vehicle used on official consular business, provided that upon application for special license plates a consul or official representative shall be given the option of using license plates issued by his government. Before such plates shall be considered as special license plates, they shall be registered and the appropriate fees paid to the county for the issuance. The special license plates shall be securely fastened 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 director of finance.”

SECTION 2. New statutory material is underscored.\*

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

(Approved June 1, 1979.)

**ACT 142**

S.B. NO. 1375

A Bill for an Act Relating to Gasoline.

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

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

SECTION 1. Chapter 125C, Hawaii Revised Statutes, is amended by amending Section 125C-2 to read as follows:

“**Sec. 125C-2 “Shortage” defined.** As used in this chapter, unless otherwise indicated by the context, a “shortage” exists whenever the average amount of gasoline available for each motor vehicle during a current or forthcoming month is five per cent less than the average amount of gasoline that was available during that month in the immediately preceding two years. The average amount of gasoline available for each motor vehicle during a current or forthcoming month shall be determined by dividing the total approximate amount of gasoline available to motor vehicles for a current or forthcoming month by the total approximate number of registered motor vehicles of record during that same month. The average amount of gasoline that was available during that month in the immediately preceding two years shall be determined by dividing the sum of the total amounts of gasoline that was available to motor vehicles for that month in the immediately preceding two years by the sum of the total numbers of registered motor vehicles of record during that month in the immediately preceding two years.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 1, 1979.)

ACT 143

S.B. NO. 1611

A Bill for an Act Relating to Premarital Examinations.

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

SECTION 1. Section 572-7, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Except as in this section otherwise provided, no application for a marriage license shall be accepted by a marriage license agent unless accompanied by a physician’s statement, signed by a licensed physician or by a commissioned medical officer of the United States Air Force, Army, Navy, or Public Health Service, that the applicant for the license has on a day named in the statement, which day is within a period of thirty days immediately prior to the first day on which the license may be issued, been given an examination for syphilis, including a serological test for syphilis and immunity against rubella, and is not, in the opinion of the physician, infected with syphilis or, if so infected, is not, in his opinion, in a state of syphilis which is, or may become, communicable and is or is not immune, in the physician’s opinion, to rubella and that the applicant has been informed of the adverse effects of rubella on the fetus; provided that no examination for immunity to rubella is required of the applicant who provides proof of immunization with live rubella virus vaccine, or who, by reason of sex, age, or other medically determined condition is not and will never be physically able to conceive a child.”

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

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2. By amending subsection (c) to read:

“(c) The serological test shall be a serological test for syphilis and for determining immunity against rubella approved by the department of health and performed in a laboratory of, or for such test approved by, the department. On request of a licensed physician the department shall perform such test without charge.”

SECTION 2. The department of health shall be responsible for the follow-up and immunization of those women found to be susceptible to rubella and those referred to the department of health by their private physician, with the informed consent of the patient.

SECTION 3. 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 carry out the purposes of this Act. The sum appropriated shall be expended by the department of health. All unexpended and unencumbered balances of the appropriations made by this Act as of the close of business on June 30, 1980, shall lapse into the general funds of the State.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 5. This Act shall take effect on July 1, 1979, and the provision for mandatory premarital rubella screening shall remain in effect until June 30, 1984.

(Approved June 1, 1979.)

## ACT 144

H.B. NO.48

A Bill for an Act Relating to the State Program for the Unemployed.

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

SECTION 1. The legislature finds that the rate of unemployment has declined over the past few years and yet Hawaii's unemployment rate is still considered substantial unemployment. It is further seen that extending the State Program for the Unemployed will alleviate some of the effects of this high rate of unemployment among Hawaii's residents.

Therefore, it is the purpose of this Act to extend the State Comprehensive Employment and Training component of the State Program for the Unemployed.

SECTION 2. Section 4 of Act 151, Session Laws of Hawaii 1975, as amended, is amended to read:

“SECTION 4. This Act shall be in effect for the period July 1, 1975 to June 30, 1980. Appropriations made under Act 151, SLH 1975, and Act 134, SLH 1976, and not encumbered shall lapse on June 30, 1977. Appropriations made under Act 3, Special Session Laws of Hawaii 1977 and Act 237, Session Laws of Hawaii 1978, and not encumbered shall lapse on June 30, 1979.”

SECTION 3. Except for funds sufficient to continue the administrative staff

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

through December 31, 1980, for the purposes of program closeout, all appropriations made for the purpose of this Act not encumbered or expended on June 30, 1980 shall lapse into the general fund of the State.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$3,550,000 or so much thereof as may be necessary for Fiscal Year 1979-1980, to implement the program set forth in part II of the chapter created in section 1 of Act 151, Session Laws of Hawaii 1975, as amended. The sum appropriated shall be expended by the director of labor and industrial relations for the purposes of this Act.

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 6. This Act shall take effect on July 1, 1979.

(Approved June 1, 1979.)

### ACT 145

H.B. NO. 100

A Bill for an Act Relating to the State Motto.

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

SECTION 1. **Purpose.** The purpose of this bill is to implement Article XV of the Constitution of the State of Hawaii as amended by the Hawaii Constitutional Convention of 1978 and pertaining to the state motto.

SECTION 2. Section 5-9, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 5-9 State motto.** The motto “Ua mau ke ea o ka aina i ka pono,” is adopted, established, and designated as the official motto of the State. It is translated into English to mean “The life of the land is perpetuated in righteousness.” ”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 1, 1979.)

### ACT 146

H.B. NO. 171

A Bill for an Act Relating to Motor Vehicle Accident Reparations.

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

SECTION 1. Section 294-13, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 294-13 Motor vehicle insurance rates.** (a) Except as otherwise pro-

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

vided in this chapter, all premium rates for motor vehicle insurance shall comply with the provisions of the casualty rating law contained in chapter 431.

(b) All premium rates for motor vehicle insurance shall be made in accordance with the following provisions:

- (1) Due consideration shall be given to past and prospective loss experience within this State, to catastrophe hazards, if any, to a reasonable margin for profit and contingencies, to dividends, savings, or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members, or subscribers, to past and prospective loss experience within the State; reasonable margin for profit from and contingencies in the administration of motor vehicle insurance sold within the State; past and prospective expenses in the sale and administration of motor vehicle insurance within the State; and, optionally, to past or prospective loss, sales and administrative costs experience in the nation or regionally, whenever such consideration will serve to reduce rates.
- (2) Due consideration shall be given to the investment income from reserves and unearned insurance premiums and other unearned proceeds received on account of motor vehicle insurance sold in this State, and all other factors that may be deemed relevant, such as but not limited to types of vehicles, occupations, and involvement in past accidents, provided they are established to have a probable effect upon losses or expense, or rates.
- (3) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any class of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable.
- (4) Risks may be grouped by classifications for the establishing of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expenses.
- (5) Rates shall not be excessive, inadequate, or unfairly discriminatory.
- (6) Rate making and regulation of rates for all insurance subject to this chapter shall be governed by chapter 431; subject, however, to the following:
  - (A) To assure the proper implementation and evaluation of the chapter the commissioner shall fully comply with the provisions of section 431-703;
  - (B) Except as provided in subsection (j) the commissioner shall establish rates and shall consider with other relevant factors loss experience in this State and the investment income of the insurers, and insofar as section 431-694 and section 431-695 are in conflict with this provision, sections 431-694 and 431-695 shall not be applicable herein;
  - (C) To afford all interested persons an opportunity to be heard the commissioner shall, after notice is published pursuant to chapter 91, hold a public hearing whenever rates are to be increased;

(D) The initial rates shall be reviewed prior to September 1, 1975, and thereafter shall be reviewed at least every two years. The commissioner shall issue a public statement or an order approving the rates for the benefit of the public;

(E) The commissioner shall order insurers to rebate to policyholders any excessive profit realized by insurers from their operations.

(c) Except to the extent necessary to meet the provisions of [item] paragraph (4) of subsection (b) of this section, uniformity among insurers in any matters within the scope of this section is neither required nor prohibited.

(d) No manual of classification, rule, rate, rating plan, designation of rating territories, or standard for motor vehicle insurance shall be effective unless approved by the commissioner. The commissioner may accept from an advisory organization basic standards, manuals of classification, territories, endorsements, forms, and other materials, not dealing with rates, for reference filings by insurers. The commissioner shall have the power to set rates under this chapter, pursuant to and following the procedure under chapter 91, except as specifically provided herein. The commissioner shall not set any rates without a public hearing at which all affected and interested parties have a full opportunity to examine, to comment, and to present evidence on the impact and application of the proposed establishment, or revision of rates. The commissioner shall publish a notice of the date, time, and place of the public hearing at least once in each of three successive weeks in a newspaper of general circulation.

(e) Any person aggrieved by the application as to him of any classification, rule, standard, rate, or rating plan made, followed, or adopted by an insurer may make written request to the commissioner to review such application and grant the relief requested. If the commissioner finds that probable cause for the complaint exists or that the complaint charges a violation of this chapter or any applicable provisions of the casualty rating law, he shall conduct a hearing on the complaint. The hearing shall be subject to the procedure provided in section 431-705(a).

(f) If the commissioner has good cause to believe that a classification, rule, standard, rate, rating territory, or rating plan made, followed, or adopted by an insurer does not comply with any of the requirements of this chapter or any applicable provisions of the casualty rating law, he shall, unless he has good cause to believe that such noncompliance is wilful, give notice, in writing, to each insurer stating therein in what manner and to what extent such noncompliance is alleged to exist and specifying therein a reasonable time, not less than ten days thereafter, within which such noncompliance may be corrected. Notices under this subsection shall be confidential as between the commissioner and the parties unless a hearing is held as provided in subsection (g).

(g) If the commissioner has good cause to believe such noncompliance to be wilful, or if, within the period prescribed by the commissioner in the notice, the insurer does not make such changes as may be necessary to correct the noncompliance specified by the commissioner or established to the satisfaction of the commissioner that such specified noncompliance does not exist, then the commissioner may proceed with a hearing which shall be subject to the hearing procedure provided in section 431-705(a).

(h) If, after a hearing conducted pursuant to subsection (b) or (e), the commis-



sioner finds that the complainant is entitled to relief or that any classification, rule, standard, rate, rating territory, or rating plan violates this chapter or any applicable provisions of the casualty rating law, he shall issue an order granting the complainant's claim for relief or prohibiting the insurer from using such classification, rule, standard, rate, rating territory, or rating plan. The order shall contain the commissioner's finding of facts and conclusions of law, including, as appropriate, a specification of the respects in which a violation of this chapter or any applicable provision of the casualty rating law exists and shall specify a reasonable time period within which the insurer shall comply with the terms of the order. Any such order shall be subject to judicial review in accordance with the provisions of section 431-705(b).

(i) The commissioner shall periodically review and evaluate the motor vehicle insurance program described in this chapter, including an annual review of the premium rates, benefit payments, and insurers' loss experience.

(j) For the period of eight years from September 1, 1975, and terminating on August 31, 1983, the commissioner shall be prohibited from setting, maintaining, or in any way fixing the rates charged by motor vehicle insurers for motor vehicle insurance issued in conformity with this chapter as either no-fault insurance or as optional additional insurance except as provided under section 294-23. This eight-year period shall be a period of open rating. Each firm licensed to underwrite no-fault insurance in the State shall establish its own rate schedule. The commissioner shall, however, monitor and survey the several companies' rate making methods and systems. The commissioner shall require of each insurer and of each self-insurer any and all information, data, internal memoranda, studies, and audits, he deems desirable for the purpose of evaluation, comparison, and study of the methods and schedules.

Notwithstanding this prohibition, the commissioner shall, in his discretion, intervene at any time during this eight-year period, to adjust rates, for the no-fault, mandatory, or optional-additional coverages, being assessed by any or all insurers, upon a finding that all or any rates are excessively high or unconscionably below the actual costs of provision of the coverage being assured.

On June 1, 1983, the applicable transition provisions of this chapter shall be effective as to rate making and the commissioner shall perform all acts required by this chapter for the setting and regulation of uniform rates conforming to this chapter to be effective on and after September 1, 1983.

In the establishment of their individual rate schedules, each insurer shall conform fully to [paragraphs] subsection (b)(1), (2), and (4), during the open rating period.

(k) Notwithstanding any other law to the contrary, no insurer shall agree, combine, or conspire with any other private insurer or enter into, become a member of, or participate in any understanding, pool, or trust, to fix, control, or maintain, directly or indirectly, motor vehicle insurance rates. Any violation of this section shall subject the insurer and each of its officers and employees involved to the penalties of chapter 480 without benefit of any exemption otherwise permitted by section 480-11. This subsection shall not apply to advisory organizations referred to in section 431-700 which are not involved in rate making under this chapter.

(l) Notwithstanding subsection (j), commencing with September 1, 1974, the commissioner shall enforce a mandatory reduction of not less than fifteen per cent by

each insurer, calculated as a percentage of the insurer's premium for a comparable combination of insurance coverage in effect on January 1, 1973, on all motor vehicle coverages, as provided in this chapter, including the basic no-fault policy. There shall be no exception to the requirements of this provision, unless the commissioner shall find that the use of the rates required herein by an insurer will be inadequate to the extent that such rates jeopardize the solvency of the insurer required to use such rates. No rate for the insurance required by this chapter shall be increased prior to September 1, 1975, unless the insurer proposing such rate increase shall show that the rates herein are inadequate as stated above.

[(m) Notwithstanding subsection (j), and commencing with September 1, 1974, each insurer shall assess, and the commissioner shall enforce, a premium for any student purchasing a no-fault policy, or for any policyholder becoming a student in the future, not less than ten per cent less than the regular premium each insurer assesses for such policy. A student shall be defined for purposes of this subsection as any person enrolled in any accredited institution of the secondary or higher education level, and defined by the institution as a full-time student for academic purposes, regardless of any extracurricular employment.]”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approve June 1, 1979.)

## ACT 147

H.B. NO. 421

A Bill for an Act Relating to Criminal Procedure: Deferred Acceptance of Guilty Plea.

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

SECTION 1. Section 853-1, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 853-1 Deferred acceptance of guilty plea, discharge and dismissal, expungement of records.** (a) Upon proper motion as provided by this chapter:

- (1) When a defendant voluntarily pleads guilty, prior to commencement of trial, to a felony or misdemeanor or petty misdemeanor;
- (2) It appears to the court that the defendant is not likely again to engage in a criminal course of conduct; and
- (3) The ends of justice and the welfare of society do not require that the defendant shall presently suffer the penalty imposed by law, the court, without entering a judgment of guilt and with the consent of the defendant and after considering the recommendations, if any, of the prosecutor, may defer further proceeding.”

SECTION 2. New statutory material is underscored.

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

(Approved June 1, 1979.)

A Bill for an Act Relating to the Confidentiality of Tax Returns and Information in Tax Returns.

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

SECTION 1. Chapter 236, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

**“Sec. 236- Disclosure of returns unlawful; penalty.** All tax returns and return information required to be filed under this chapter shall be confidential, including any copy of any portion of a federal return which may be attached to a state tax return, or any information reflected in the copy of such federal return. It shall be unlawful for any person, or any officer or employee of the State to make known intentionally information imparted by any inheritance tax return or wilfully to permit any inheritance tax return so made or copy thereof to be seen or examined by any person other than the taxpayer or his authorized agent, or persons duly authorized by the State in connection with their official duties, except as provided by law. Notwithstanding any provision to the contrary, the use of federal and state tax returns and return information for chapter 236 tax purposes shall be deemed not to be an unlawful disclosure. Any violation of the foregoing provisions shall be punished by a fine not exceeding \$500, or by imprisonment not exceeding one year, or both.”

SECTION 2. New statutory material is underscored.\*

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

(Approved June 1, 1979.)

A Bill for an Act Relating to Appeals from the Decisions of the Liquor Commission.

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

SECTION 1. **Purpose.** The purpose of this Act is to amend Section 281-92, Hawaii Revised Statutes, by deleting the requirement therein that any decision of the Liquor Commission in assessing a penalty or suspending or revoking a license may, upon appeal to the circuit court, be tried *de novo*. Such a requirement causes duplicative hearings, is time-consuming and places unnecessary burden upon our crowded court system and the witnesses. Chapter 91 governing administrative appeals to the circuit court already provides the licensee receiving an adverse decision with adequate safeguards and protection without the necessity for a trial *de novo*.

SECTION 2. Section 281-92, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 281-92 Appeals.** Any licensee aggrieved by any order assessing, or providing for the collection of, a penalty or by any order suspending or revoking any

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

license may appeal therefrom in the manner provided in chapter 91 to the circuit court of the circuit in which the liquor commission making the order has jurisdiction and the judgment of the court shall be subject to review by the supreme court.”

SECTION 3. 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 4. This Act shall take effect upon its approval.

(Approved June 1, 1979.)

## ACT 150

H.B. NO. 1322

A Bill for an Act Relating to the State Health Planning and Development Agency.

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

SECTION 1. Section 323D-54, Hawaii Revised Statutes, is amended to read:

**“Sec. 323D-54 Exemptions from certificate of need requirements.** (a) Nothing in this part or rules thereunder with respect to the requirement for certificates of need applies to:

- (1) Offices of physicians, dentists, or other practitioners of the healing arts in private practice as distinguished from organized ambulatory health care facilities, or laboratories, as defined in section 321-11(12), except in any case of purchase or acquisition of equipment attendant to the delivery of health care service and the instruction or supervision therefor for any such private office or clinic or laboratory involving a total expenditure in excess of \$150,000;
- (2) Dispensaries and first aid stations located within business or industrial establishments maintained solely for the use of employees; provided such facilities do not regularly provide inpatient or resident beds for patients or employees on a daily twenty-four hour basis;
- (3) Dispensaries or infirmaries in correctional or educational facilities;
- (4) Dwelling establishments, such as hotels, motels, and rooming or boarding houses that do not regularly provide health care facilities or health care services;
- (5) Any home or institution conducted only for those who, pursuant to the teachings, faith, or belief of any group, depend for healing upon prayer or other spiritual means.

(b) The agency may adopt rules to establish criteria to exempt certain proposed expenditures, except in any case of purchase or acquisition of equipment attendant to the delivery of health care service and the instruction or supervision therefor for any such facility involving a total expenditure in excess of \$150,000, or changes by organized ambulatory health care facilities which are determined not to have a significant impact on the health care system. The criteria may include but need not be

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

limited to the number of practitioners in the facility, the range of services offered by the facility, and the gross annual revenue of the facility.”

SECTION 2. New statutory material is underscored.\*

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

(Approved June 1, 1979.)

ACT 151

H.B. NO. 1528

A Bill for an Act Relating to the Disposal of Solid Wastes.

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

SECTION 1. **Purpose.** The purpose of this Act is to add a new section to Chapter 340A, Hawaii Revised Statutes, to regulate and control the disposition of solid waste generated in the State. Technology and methods now exist to process and dispose of solid wastes and recover energy and material resources with commensurate environmental benefits. Furthermore, the amount of solid waste produced within some counties is adequate to sustain such processing and thus can substantially contribute to the State’s energy self sufficiency by reducing our dependence on imported oil. The cost effectiveness of such processing, is dependent upon the assurance over a long term of a specified amount of solid waste delivery. Inability to assure delivery of the required minimum tonnage to a resource recovery facility will result in penalties to the operator and increased disposal costs to the generator which could make such projects unfeasible. This can be avoided by providing for positive control of all solid waste disposal.

SECTION 2. Chapter 340A-1, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 340A-1 Definitions.** As used in this chapter, unless the context otherwise requires:

- (1) “Collector” means any person or governmental agency which has been licensed to remove refuse in accordance with applicable ordinances and regulations.
- (2) “Generator” means any person or governmental agency which generates solid waste.
- (3) “Incinerator” means an engineered combustion device specifically designed for volume reduction by controlled burning of combustible solid waste.
- (4) “Landfill” means a land area used for the disposal of solid waste.
- (5) “Operator” means any person or governmental agency which accepts solid waste for processing, disposing, or transferring at an incinerator, landfill site, resource recovery facility or transfer station.
- (6) “Owner” means any person or governmental agency which shall have title to solid waste.

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

- (7) "Resource recovery facility" means a facility in which solid waste is reprocessed into new products in such manner that original products lose their identity.
- (8) "Solid waste" means garbage, refuse and other discarded solid materials, including solid waste materials resulting from industrial and commercial operations, and from community activities. Solid waste does not include solid or dissolved material in domestic sewage or other substances in water sources, such as silt, dissolved or suspended solids in industrial waste effluents, dissolved materials in irrigation return flows or other water pollutants. This definition is also intended to include liquid waste materials such as waste oil, paints, and solvents.
- (9) "Transfer station" means a supplemental transportation facility used as an adjunct to solid waste route collection vehicles, which facility may be fixed or mobile and may include recompaction of solid waste.
- (10) "Agency" means any department, office or board or commission of the State or county government which is a part of the executive branch of that government.
- (11) "County" shall include each county of the State, including the city and county of Honolulu.
- (12) "Director" means the director of the department of health.
- (13) "Source separated waste" means recyclable waste materials which are set aside at their point of generation for segregated collection and transport to specialized waste processing sites or final manufacturing markets.
- (14) "Agricultural solid waste" means the solid waste that results from the rearing of animals and the harvesting of crops."

SECTION 3. Chapter 340A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"Sec. 340A- Disposal of solid waste.** The county agency responsible for the collection and disposal of solid waste may require that all solid waste transported by the county agency, collectors, businesses or individuals be disposed of at facilities or in areas designated by the county agency if it is found to be in the best public interest; provided that agricultural solid waste and source separated waste transported for recycling purposes shall not be subject to the provisions of this section; and provided further that, if regional transfer stations are designated, transportation to the stations shall be considered so as to minimize the operating costs of the collector.

The best public interest shall be found if disposal at the designated facilities or areas will:

- (1) Result in reusable materials being recovered from solid waste; or
- (2) Achieve the solid waste volumes necessary to meet a resource recovery facility's minimum operating requirements; or
- (3) Lessen the demand for landfill sites; or
- (4) Conserve natural resources.

(b) For a county that has a resource recovery facility in use or when the design for such a facility has begun, the director shall not grant a permit for other solid waste disposal activities including landfills, for a term extending beyond the planned operational date for the resource recovery facility unless the other disposal activity is

to be used for one or more of the following:

- (1) Disposal of ash or residue from a resource recovery facility;
- (2) Disposal of solid waste which, because of its chemical or physical characteristics, is not suitable for processing at a resource recovery facility;
- (3) Provide an emergency backup or overflow capacity for a resource recovery facility;
- (4) Provide for solid waste disposal for those areas not served by a resource recovery facility as designated by the county agency responsible for the collection and disposal of solid waste."

SECTION 4. New statutory material is underscored.\*

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

(Approved June 1, 1979.)

ACT 152

H.B. NO. 1634

A Bill for an Act Relating to Costs, Attorney's Fees and Jury Trials Under the State Tort Liability Act.

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

SECTION 1. Section 661-1, Hawaii Revised Statutes, is amended to read:

**"Sec. 661-1 Jurisdiction.** The several circuit courts and, except as otherwise provided by statute or rule, the several district courts shall, subject to appeal as provided by law, have original jurisdiction to hear and determine the following matters, and, unless otherwise provided by law, shall determine all questions of fact involved without the intervention of a jury.

(1) All claims against the State founded upon any statute of the State; or upon any regulation of an executive department; or upon any contract, expressed or implied, with the State, and all claims which may be referred to any such court by the legislature; provided, that no action shall be maintained, nor shall any process issue against the State, based on any contract or any act of any state officer which the officer is not authorized to make or do by the laws of the State, nor upon any other cause of action than as herein set forth.

(2) All counterclaims, whether liquidated or unliquidated, or other demands whatsoever on the part of the State against any person making claim against the State under this chapter."

SECTION 2. Section 662-5, Hawaii Revised Statutes, is amended to read:

**"Sec. 662-5 Jury.** Any action against the State under this chapter shall be tried by the court without a jury; provided however, that the court, with the consent of all the parties, may order a trial with a jury whose verdict shall have the same effect as if trial by jury had been a matter of right."

SECTION 3. Section 662-9, Hawaii Revised Statutes, is amended to read:

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

“**Sec. 662-9 Costs.** In an action under this chapter, court costs and fees as set by law may be allowed to the prevailing party.”

SECTION 4. Section 662-12, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 662-12 Attorney’s fees.** The court rendering a judgment for the plaintiff pursuant to this chapter or the attorney general making a disposition pursuant to section 662-11 may, as a part of such judgment, award, or settlement, determine and allow reasonable attorney’s fees which shall not, however, exceed twenty-five per cent of the amount recovered and shall be payable out of the judgment awarded to the plaintiff; provided that such limitation shall not include attorney’s fees and costs that the court may award the plaintiff as a matter of its sanctions.”

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored. \*

SECTION 6. This Act shall take effect upon approval, and shall apply to all civil actions commenced after its effective date.

(Approved June 1, 1979.)

## ACT 153

H.B. NO. 1645

A Bill for an Act Relating to Abandoned Vessels.

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

SECTION 1. Section 267A-7, Hawaii Revised Statutes, is amended to read:

“**Sec. 267A-7 Disposition of proceeds.** The department of transportation shall deposit that portion of the proceeds of the sale of a vessel as shall represent the mooring or other harbor use fees and charges due the department, the expenses of the auction, and any other expense incurred by the department in taking into custody and disposing of an abandoned vessel, into the boating special fund or harbor special fund, from which the expenses, incurred in connection with the abandoned vessel, were paid. The balance, if any, shall be deposited into the general fund of the State. The owner may recover any such balance of the proceeds from the State only if he files a claim therefor with the department of budget and finance within five years after the execution of the bill of sale. A lien holder shall receive priority of payment from the balance of the proceeds to the extent of his lien on the vessel. If the proceeds of the sale are insufficient to cover the mooring and other harbor use fees and charges, the expenses of the auction and other expenses of the department in taking into custody and disposing of the vessel, the department of transportation may bring an action for the deficiency in a court of appropriate jurisdiction within five years against the registered owner or any person who had an interest in the vessel when custody was taken by the department.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.



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

(Approved June 1, 1979.)

ACT 154

H.B. NO. 1677

A Bill for an Act Relating to Aquarium Fish Permits.

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

SECTION 1. Section 188-31, Hawaii Revised Statutes, is amended to read:

**“Sec. 188-31 Nets and traps for aquarium purposes.** The board of land and natural resources or agents designated by the board may, upon receipt of a written application, issue a permit to use fine meshed traps or fine meshed nets, other than throw nets, for the taking of marine or fresh water nongame fish for aquarium purposes. The permits shall be issued only to persons who can satisfy the board or its agents that they possess facilities to and can maintain fish alive and in reasonable health. The board may cancel any aquarium fish permit for any infraction of the terms of the permit when such fact is made evident to the satisfaction of the board; provided that no new aquarium fish permit shall be issued to any such permittee for a period of two years after the cancellation of his permit.

It shall be illegal to sell or offer for sale any fish taken under authority of an aquarium fish permit unless the fish is sold alive for aquarium purposes.

For the purposes of this section “aquarium purposes” means to hold salt water fish, fresh water nongame fish, or other aquatic life alive in a state of captivity as pets, for scientific study, or for public exhibition or display, or for sale for these purposes; “aquarium fish permit” means a permit issued by the board for the use of fine mesh nets and traps to take salt water fish, fresh water nongame fish, or other aquatic life for aquarium purposes.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.\*

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

(Approved June 1, 1979.)

ACT 155

S.B. NO. 393

A Bill for an Act Relating to Criminal Procedure: Deferred Acceptance of Guilty Plea.

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

SECTION 1. Section 853-1, Hawaii Revised Statutes, is amended by amending subsection (e) to read:

“(e) Upon discharge of the defendant and dismissal of the charge against him

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

under this section, the defendant may apply for expungement not less than one year following discharge, pursuant to section 831-3.2.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 3. This Act shall take effect upon approval, however, all misdemeanor records preserved at any police department pursuant to section 853-1(e), Hawaii Revised Statutes, shall be transmitted to the office of the attorney general and shall be expunged pursuant to the provisions of section 831-3.2, Hawaii Revised Statutes.

(Approved June 4, 1979.)

ACT 156

S.B. NO. 1091

A Bill for an Act Relating to the Lapsing of Capital Improvement 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 the use of such funds are restricted to those projects for which they were appropriated. Thus, certain funds which were authorized in prior capital improvement acts and other acts should be released for other state needs. The purpose of this Act is to lapse all unencumbered capital improvement appropriations and other appropriations deemed unnecessary and which have not otherwise been lapsed by law.

SECTION 2. Any law to the contrary notwithstanding, the unencumbered balance of the following appropriations under Act 218, Session Laws of Hawaii 1974, is hereby lapsed:

DEPARTMENT OF TRANSPORTATION

C-3	Construct Interim B747 Gates 5 and 6, Honolulu International Airport	600,000B
C-7	Aircraft Hardstands for Cargo Centers, Honolulu International Airport	1,700,000B 1,167,000E
C-15	Molokai Airport, Plans and Land Acquisition	250,000D
C-26	Honolulu Harbor, Acquisition and Development of Honolulu Harbor	173,000D

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

**ACT 156**

C-64	Kona Baseyard Maintenance Building, Hawaii	100,000C
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SECTION 3. Any law to the contrary notwithstanding, the unencumbered balance of the following appropriations under Act 195, Session Laws of Hawaii 1975, is hereby lapsed:

**DEPARTMENT OF TRANSPORTATION**

C-14	Molokai Airport, Plans and Land Acquisition	550,000D
C-15	Lanai Airport, Runway Extension	370,000D
C-23	Honolulu Harbor, Acquisition and Development of Honolulu Harbor	827,000D
C-30	Statewide Commercial Harbor Sewer System Improvements	1,250,000D

SECTION 4. Any law to the contrary notwithstanding, the unencumbered balance of the following appropriations under Act 226, Session Laws of Hawaii 1976, is hereby lapsed:

**DEPARTMENT OF LAND AND NATURAL RESOURCES**

H-9	Honolulu Game Management Facilities	2,000A
H-16	Honolulu Stadium Site	100,000A
H-19	Wawamalu Queen's Beach	100,000A

**DEPARTMENT OF TRANSPORTATION**

C-12	Statewide Commercial Harbor Sewer System Improvements	1,500,000D
H-25	Honokohau Boat Harbor, Hawaii	414,000D

**UNIVERSITY OF HAWAII**

G-78	H.I.M.B., Coconut Island, New Laboratory Building	75,000C
G-93	Student Housing, Phase 5, UH at Hilo	890,000E

## DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

K-15 State Office Building No. 3 342,000C

SECTION 5. Any law to the contrary notwithstanding, the unencumbered balance of the appropriation in Item C-8 of Act 243, Session Laws of Hawaii 1978, is hereby lapsed:

## DEPARTMENT OF TRANSPORTATION

C-8 Construct High-Speed Exit Taxiway from  
Runway 8-26 and other Improvements —  
General Lyman Airfield 300,000E

SECTION 6. Item IV-N-1 of Act 195, Session Laws of Hawaii 1975, is amended to read as follows:

## "CITY AND COUNTY OF HONOLULU

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

1. Mass Transit System, Oahu Land, plans and construction for development of a bus/rail mass transit system. 3,300,000  
Above state funds to be matched by the City and County of Honolulu; provided that UMTA grants 80% federal funding for transit system, and provided further that the A-95 Agency for Honolulu enters into an agreement with the Metropolitan Planning Organization (MPO) for transportation planning."

Any law to the contrary notwithstanding, the unencumbered balance of this appropriation shall lapse as of June 30, 1980.

SECTION 7. Source of funding symbols as used in this Act correspond to the symbols used in Act 10, Special Session Laws of Hawaii 1977, and the symbols as used in the original designation of items listed in this Act have been revised accordingly.

SECTION 8. In the event manifest clerical, typographical, or other mechanical errors are found in this Act, the governor is hereby authorized to correct such errors. All changes pursuant to this section shall be reported to the legislature at its next session.

SECTION 9. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 10. This Act shall take effect on July 1, 1979.

(Approved June 4, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

A Bill for an Act Relating to Quieting Title.

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

SECTION 1. The purpose of this Act is to conform the Hawaii Revised Statutes to section 12 of Article XVI of the Hawaii Constitution, relating to quieting title of real property.

SECTION 2. The Hawaii Revised Statutes are amended by the addition of section 657-31.5, to read as follows:

**“Sec. 657-31.5 Adverse possession.** In an action under this part where the person defending the action claims by adverse possession in excess of the period of limitation, said claim can only be made:

- (1) If the real property which is the subject of the action is five acres or less; and
- (2) Where the person claiming by adverse possession has not asserted any similar claim, in good faith, within the past twenty years, however, this shall not include similar claims made before November 7, 1978. However, any persons defending an action under this part may claim adverse possession if that person's time period of adverse possession of the land exceeded twenty years prior to November 7, 1978, or exceeded other earlier applicable time periods of adverse possession.”

SECTION 3. Section 669-1, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 669-1 Object of action.** (a) Action may be brought by any person against another person who claims, or who may claim adversely to the plaintiff, an estate or interest in real property, for the purpose of determining the adverse claim.

(b) Action for the purpose of establishing title to a parcel of real property of five acres or less may be brought by any person who has been in adverse possession of the real property for not less than twenty years. Action for the purpose of establishing title to a parcel of real property of greater than five acres may be brought by any person who had been in adverse possession of the real property for not less than twenty years prior to November 7, 1978, or for not less than earlier applicable time periods of adverse possession.

(c) Action under subsection (a) or (b) shall be brought in the circuit court of the circuit in which the property is situated.

(d) Action brought to claim property of five acres or less on the basis of adverse possession may be asserted in good faith by any person not more than once in twenty years, after November 7, 1978.”

SECTION 4. New statutory material is underscored.\*

SECTION 5. This Act shall take effect upon its approval; provided that any rights matured prior to November 7, 1978 shall not be affected by this Act.

(Approved June 4, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

## ACT 158

H.B. NO. 281

A Bill for an Act Relating to the Expenditure of 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 responsible 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 103-53.5, 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, or may, in the case of only one bidder and when the bid exceeds available funds for the contract, negotiate with such bidder to reduce the price and award the contract at the reduced price.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 4, 1979.)

## ACT 159

H.B. NO. 287

A Bill for an Act Relating to Vital Statistics Registration.

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

SECTION 1. Section 338-14, Hawaii Revised Statutes, is amended to read:

**“Sec. 338-14 Fees for certified copies and searches; transcripts or other statistical summaries of vital records for National Center for Health Statistics; certified copies for veterans and others; and corrections on vital statistics certificates.** (a) The department of health shall establish reasonable fees to be paid for certified copies of certificates; provided that the department shall furnish, free of charge, a certified copy of any of the records, or a certification of birth, to any veteran of the armed forces of the United States, his wife, any member of the immediate family of a veteran or the next of kin of a deceased veteran, when required for use in connection with a claim based on service in the armed forces of the United States.

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

Subject to sections 338-16, 338-17, and 338-18, the National Center for Health Statistics may obtain transcripts and statistical summaries on computer tapes of certificates or, without payment of fees, certified copies; provided the State is put to no expense in connection therewith.

A reasonable fee shall be charged for any correction in the items on a vital statistics certificate initiated by the registrant or his parent or representative if he is a minor.

(b) The department may prescribe reasonable fees for searches of files and records not involving the issuance of certified copies.

(c) The department shall keep an account of all fees collected and shall deposit them to the general fund of the State.

(d) Any fee established by the department pursuant to this section shall be adopted in accordance with chapter 91. In establishing a fee, the amount shall be sufficient to cover the expenses involved in searching for, cost of a copy of, or correction of the certificate, file, or record, as the case may be."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 4, 1979.)

ACT 160

H.B. NO. 595

A Bill for an Act Relating to the Hawaii Motor Vehicle Accident Reparations Act.

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

SECTION 1. Section 294-37, Hawaii Revised Statutes, is amended to read:

**"Sec. 294-37 Administration.** To† order to carry out the provisions and fulfill the purpose of this chapter the commissioner shall:

- (1) Consult with representatives of the private insurance business, such other persons, public and consumer organizations, and agencies of the federal, state, or local governments as he deems necessary;
- (2) Adopt, amend, and repeal such rules pursuant to chapter 91, as he deems necessary; such rules may, in addition to carrying out and fulfilling the purposes of this chapter, establish standards for the prompt, fair, and equitable disposition of all claims arising out of motor vehicle accidents; and
- (3) Appoint such personnel as necessary for the performance of his functions under this chapter. All personnel appointed under this section shall be subject to chapters 76 and 77."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 4, 1979.)

†So in original. Probably should read "In".

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

## ACT 161

H.B. NO. 596

A Bill for an Act Relating to Motor Bikes.

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

SECTION 1. Section 291C-207, Hawaii Revised Statutes, is amended to read:

**“Sec. 291C-207 Moped liability insurance; coverage for damage by rented or leased moped.** Every person who offers a moped for rent or lease shall insure the moped against loss resulting from liability imposed by law for bodily injury, death or property damage suffered by any person other than the owner or operator of the moped arising out of the ownership, maintenance or use of the moped. The moped liability insurance shall have a coverage of not less than \$25,000 per occurrence bodily injury and \$5,000 per occurrence property damage.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 3. This Act shall take effect 90 days after its approval.

(Approved June 4, 1979.)

## ACT 162

H.B. NO. 600

A Bill for an Act Relating to Partnership Fees.

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

SECTION 1. Section 425-12, Hawaii Revised Statutes, is amended to read:

**“Sec. 425-12 Fee for recording.** The director of regulatory agencies shall collect the following fees:

- (1) For each change of partnership name or statement of dissolution filed, a fee of \$1.50 per partner;
- (2) For each admission, withdrawal, or death statement filed, a fee of \$1.50 per partner involved;
- (3) For each name recorded as aforesaid, a fee of \$1;
- (4) For each annual statement filed, a fee of \$3; and
- (5) For each general partnership registered, a fee of \$3 for each partner.”

SECTION 2. Section 425-22, Hawaii Revised Statutes, is amended to read:

**“Sec. 425-22 Formation.** Two or more persons, each of whom may be an individual or a corporation and any of whom may be acting in a fiduciary capacity, desirous of forming a limited partnership, shall sign, acknowledge, and file a certificate, as follows:

- (1) The certificate shall state:
  - (A) The name of the partnership;
  - (B) The character of the business;

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.



- (C) The location of the principal place of business;
  - (D) The name and place of residence of each member; general and limited partners being respectively designated;
  - (E) The term for which the partnership is to exist;
  - (F) The amount of cash and a description of and the agreed value of the other property contributed by each limited partner;
  - (G) The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they are to be made;
  - (H) The time, if agreed upon, when the contribution of each limited partner is to be returned;
  - (I) The share of the profits or the other compensation by way of income which each limited partner is to receive by reason of his contribution;
  - (J) The right, if given, of a limited partner to substitute an assignee as contributor in his place, and the terms and conditions of the substitution;
  - (K) The right, if given, of the partners to admit additional limited partners;
  - (L) The right, if given, of one or more of the limited partners to priority over other limited partners, as to contributions or as to compensation by way of income and the nature of the priority;
  - (M) The right, if given, of the remaining general partners or partners to continue the business on the death, retirement, or insanity of a general partner; and
  - (N) The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution.
- (2) The certificate shall be acknowledged by each of the persons before some officer authorized to take acknowledgments of deeds, and shall be filed in the office of the director of regulatory agencies.

A limited partnership is formed if there has been substantial compliance in good faith with the foregoing requirements.

The director shall preserve the certificate and keep a record of the same, which shall be duly indexed. The certificate, record, and index shall, during all business hours, be open to the inspection of the public, free of charge. A fee of \$1.50 shall be charged for each name signed to any certificate."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 4, 1979.)

ACT 163

H.B. NO. 601

A Bill for an Act Relating to Dispensing Opticians.  
*Be It Enacted by the Legislature of the State of Hawaii:*

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

SECTION 1. Section 458-13, Hawaii Revised Statutes, is amended to read:

**“Sec. 458-13 Acts prohibited.** It shall be unlawful to do any of the following:

- (1) To engage in business of dispensing optician without first having been issued a certificate of dispensing optician under this chapter;
- (2) To advertise in any manner that would tend to mislead or deceive the public;
- (3) To furnish the services of an optometrist, physician, or surgeon or directly or indirectly employ or maintain on or near the premises used for optical dispensing any optometrist, physician or surgeon, or the practitioner of any other profession for the purpose of any examination or treatment of the eyes;
- (4) To dispense, furnish, or supply the services and appliances relating to the business of dispensing optician to the intended wearer or user thereof, except upon a prescription issued by a licensed physician, surgeon, or optometrist; provided, that duplications, replacements, reproductions, and repetitions, without change in the refractive value may be done without prescription by individuals or firms holding a certificate of dispensing optician issued under this chapter;
- (5) To fit or offer, undertake or attempt to fit contact lenses or artificial eyes except under the personal supervision of an oculist;
- (6) For a dispensing optician to grant, allow, credit or pay, directly or indirectly, openly or secretly, any price differential, rebate, refund, discount, commission, credit, kickback, or other such allowance, whether in the form of money or otherwise, to any oculist, optometrist, physician, surgeon, or practitioner of any other profession (A) for or on account of the referring or sending by any such oculist, optometrist, physician, surgeon, or practitioner to the dispensing optician of any person for the rendition of any of the services performed or articles or appliances furnished by a dispensing optician as described in section 458-1, or (B) for or on account of the rendition of any such services or the furnishing of any such articles or appliances to a person so referred or sent by any such oculist, optometrist, physician, surgeon, or practitioner. Every such scheme, agreement, undertaking, arrangement, or device shall also be deemed in violation of section 481-7. The certificate of every dispensing optician who violates this subsection shall be revoked.”

SECTION 2. Statutory material to be repealed is bracketed.\*

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

(Approved June 4, 1979.)

ACT 164

H.B. NO. 604

A Bill for an Act Relating to the Hawaii Medical Malpractice Underwriting Plan.  
*Be It Enacted by the Legislature of the State of Hawaii:*

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

**ACT 165**

SECTION 1. Section 435C-2, Hawaii Revised Statutes, is amended by amending the definition of "net direct premiums" to read:

"(3) "Net direct premiums" means general casualty insurance direct premiums written as reported on page 14 of the annual statement under medical malpractice, workers' compensation and other liability lines of business."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 4, 1979.)

**ACT 165**

H.B. NO. 616

A Bill for an Act Relating to the Highway Supplies and Equipment Account.

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

SECTION 1. Section 264-27, Hawaii Revised Statutes, is repealed.

SECTION 2. Statutory material to be repealed is bracketed.\*

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

(Approved June 4, 1979.)

**ACT 166**

H.B. NO. 739

A Bill for an Act Relating to State Highway Clearing Accounts.

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

SECTION 1. Chapter 264, Hawaii revised Statutes, is amended by adding a new section to be appropriately designated and to read:

"**Sec. 264- State highway clearing accounts.** The director of transportation may with the prior approval of the director of finance and comptroller establish the state highway payroll clearing account, employee benefits clearing account, construction administration clearing account, and any other necessary clearing account to effectively account for program costs and appropriations.

The director of transportation may, from time to time, make advances to the clearing accounts from the state highway fund or from any moneys appropriated or otherwise made available to the department. The advances shall be in such amounts as may be required to meet the obligations of the department which are authorized by the legislature.

As soon as practicable after an expenditure from a clearing account, a determination shall be made of the proper fund or appropriation to which the expenditure

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

should be charged. The fund or account from which funds are advanced shall thereupon be reimbursed out of the proper fund or appropriation.”

SECTION 2. New statutory material is underscored.\*

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

(Approved June 4, 1979.)

## ACT 167

H.B. NO. 740

A Bill for an Act Relating to State Highway Fund.

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

SECTION 1. Section 248-9, Hawaii Revised Statutes, is amended to read:

“**Sec. 248-9 State highway fund.** Moneys in the state highway fund may be expended for the following purposes:

- (1) To pay the costs of repairs and maintenance of the state highway system which includes the cost of equipment and general administrative overhead.
- (2) To pay the costs of acquisition, planning, designing, construction and reconstruction of the state highway system, and bikeways, which include the cost of equipment and general administrative overhead.
- (3) To reimburse the general fund for interest on and principal of general obligation bonds issued to finance highway projects where such bonds are designated to be reimbursable out of the special fund.”

SECTION 2. Section 248-11, Hawaii Revised Statutes, is repealed.

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 4, 1979.)

## ACT 168

H.B. NO. 921

A Bill for an Act Relating to the Issuance of Temporary Restraining Orders in Cases of Spouse Abuse and Other Domestic Violence.

*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

### EX PARTE TEMPORARY RESTRAINING ORDERS

**Sec. -1 Application and order.** Upon application to a family court judge, a temporary restraining order may be granted without notice to restrain either or both

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

parties residing together from contacting, threatening or physically abusing each other, notwithstanding that a complaint for annulment, divorce, or separation has not been filed. The application shall be in writing upon forms provided by the family court, and the order issuing therefrom may be granted to any person who, prior to or at the time such order is granted, was actually residing with the person or persons to whom such order is directed. The family court judge may issue the ex parte temporary restraining order orally, but shall reduce said order to writing by the close of the next court day following the application. The order shall state that there is probable cause to believe that a recent past act or acts of violence have occurred, or that threats of violence make it probable that acts of violence may be imminent. The order shall further state that the temporary restraining order is necessary for the purpose of preventing acts of violence, or a recurrence of actual domestic violence, and assuring a period of separation of the parties involved. The order shall describe in reasonable detail the act or acts sought to be restrained. Where necessary, the order may require either or both of the parties involved to leave the premises during the period of the order, and may also restrain the party or parties to whom it is directed from contacting, threatening, or physically abusing the children or other relatives of the applicant residing with the applicant at the time of the granting of the order. The order shall not only be binding upon the parties to the action, but also upon their officers, agents, servants, employees, attorneys or any other persons in active concert or participation with them.

**Sec. -2 Period of order; hearing.** A temporary restraining order granted pursuant to this Chapter shall remain in effect, at the discretion of the court, not to exceed 30 days, unless otherwise continued or terminated by the court. On the earliest date that the business of the court will permit, but no later than 15 days from the date the temporary restraining order is granted, the court shall, after giving due notice to all parties, hold a hearing on the application requiring cause to be shown why the order should not continue. All parties shall be present at the hearing and may be represented by counsel. If after hearing all relevant evidence, the court finds that a further period of separation of the parties is necessary to prevent domestic violence or a recurrence of violence, the court may order an extension of the order for an additional 30 days, provided that a hearing shall be held prior to any extension of the order beyond 60 days from the date the temporary restraining order was first granted.

**Sec. -3 Representation at hearing.** Any person applying for an order under this chapter, and any person to whom a temporary restraining order is directed, may present his case at the hearing with or without representaton of counsel.

**Sec. -4 Remedies for enforcement of order.** Any wilful disobedience of a temporary restraining order granted under this chapter shall be a misdemeanor, and any other disobedience of a restraining order may be treated by the court as a civil contempt. All remedies for the enforcement of judgments shall apply to this chapter.”

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

(Approved June 4, 1979.)

## ACT 169

H.B. NO. 1216

A Bill for an Act Relating to the Uniform Commercial Code.  
*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 490:11-106, Hawaii Revised Statutes, is amended to read:

**“Sec. 490:11-106 Required refilings.** (1) If a security interest is perfected or has priority when this Act takes effect as to all persons or as to certain persons without any filing or recording, and if the filing of a financing statement would be required for the perfection or priority of the security interest against those persons under the new U.C.C., the perfection and priority rights of the security interest continue until three years after the effective date of the new U.C.C. The perfection will then lapse unless a financing statement is filed as provided in subsection (4) or unless the security interest is perfected otherwise than by filing.

(2) If a security interest is perfected when the new U.C.C. takes effect under a law other than the U.C.C. which requires no further filing, refiling or recording to continue its perfection, perfection continues until and will lapse three years after the new U.C.C. takes effect, unless a financing statement is filed as provided in subsection (4) or unless the security interest is perfected otherwise than by filing, or unless under subsection (3) of section 490:9-302 the other law continues to govern filing.

(3) If a security interest is perfected by a filing, refiling or recording under a law repealed by this Act which required further filing, refiling or recording to continue its perfection, perfection continues and will lapse on the date provided by the law so repealed for such further filing, refiling or recording unless a financing statement is filed as provided in subsection (4) or unless the security interest is perfected otherwise than by filing.

(4) A financing statement may be filed within six months before the perfection of a security interest would otherwise lapse. Any such financing statement may be signed by either the debtor or the secured party. It must identify the security agreement, statement or notice (however denominated in any statute or other law repealed or modified by this Act), state the office where and the date when the last filing, refiling or recording, if any, was made with respect thereto, and the filing number, if any, or book and page, if any, of recording and further state that the security agreement, statement or notice, however denominated, in another filing office under the U.C.C. or under any statute or other law repealed or modified by this Act is still effective. Section 490:9-401 and section 490:9-103 determine the proper place to file such a financing statement. Except as specified in this subsection, the provisions of section 490:9-403(3) for continuation statements apply to such a financing statement.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

SECTION 3. This Act shall take effect on July 1, 1979.

(Approved June 4, 1979.)

ACT 170

H.B. NO. 1665

A Bill for an Act Relating to Housing.

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

SECTION 1. Section 356-5, Hawaii Revised Statutes, is amended by amending subsection (e) to read:

“(e) The authority shall employ, not subject to chapters 76 and 77 and section 26-35(4), an executive director. The authority may employ, subject to chapters 76 and 77, technical experts and officers, agents, and employees, permanent and temporary, as required. When, in the determination of the authority, services to be performed are unique and essential to the execution of the functions of the authority, it may hire persons on a contractual basis not subject to chapters 76, 77 and 78; provided that no individual contract shall be for a period longer than two years per term. The authority may call upon the attorney general for such legal services as it may require or may employ its own counsel and legal staff. The authority may delegate to one or more of its agents or employees such powers or duties as it deems proper.”

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

(Approved June 4, 1979.)

ACT 171

H.B. NO. 79

A Bill for an Act Relating to Child Abuse.

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

SECTION 1. Section 350-1, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any doctor, which for the purposes of this chapter means any person licensed by the State to render services in medicine, osteopathy, dentistry, or any of the other healing arts, examining, attending, or treating a minor, or any registered nurse, school teacher, social worker, police officer, law enforcement officer, medical examiner, or coroner acting in his official capacity, having reason to believe that such minor has had injury inflicted upon him as a result of abuse or neglect by parents or those responsible for that child’s care shall promptly report the matter orally to the department of social services and housing; provided that when examination, attendance, or treatment with respect to the minor is pursuant to the performance of services as a member of the staff of a hospital or similar facility, the staff member shall immediately notify the person in charge of the medical facility, or his designated delegate, who shall report or cause reports to be made in accordance with this chapter.

Abuse or neglect of a minor for the purposes of this chapter means physical

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

injury, psychological abuse and neglect, sexual abuse, negligent treatment, or maltreatment of a child under eighteen years of age under circumstances which indicate that the minor's health or welfare has been or is harmed or threatened thereby.

The initial oral report shall be followed as soon as possible by a report in writing; provided that where a police department is the initiating agency a written report shall not be required to be filed with the department of social services and housing unless the police department has declined to take further action and the department of social services and housing informs the police department that it intends to pursue the matter of the orally reported incident of child abuse or neglect. All written reports shall contain the name and address of the minor and of his parents or other persons responsible for his care, if known, the minor's age, the nature and extent of the minor's injuries, and any other information that the reporter believes might be helpful in establishing the cause of the injuries.

Any other person who has reason to believe that a minor has had injury inflicted upon him as a result of abuse or neglect may report the matter orally to the department of social services and housing."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 5, 1979.)

## ACT 172

H.B. NO. 93

A Bill for an Act Relating to the Small Claims Court.

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

SECTION 1. Section 633-27, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 633-27 District courts; powers.** (a) All district courts, except as otherwise provided, shall exercise jurisdiction conferred by this chapter, 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:

- (1) Cases for the recovery of money only where the amount claimed does not exceed \$600 exclusive of interest and costs, except as provided by section 633-30; and
- (2) Cases involving disagreement between landlord and tenant about the security deposit in a residential landlord-tenant relationship.

This chapter shall not abridge or affect the jurisdiction of the district courts under paragraph (1) to determine cases under the ordinary procedures of the court, it being optional with the parties to such cases to elect the procedure of the small claims division of the district court or the ordinary procedures, as provided by rule of court.

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.



## ACT 173

In cases arising under paragraph (2) the jurisdiction of the small claims division of the district court shall be exclusive.

(b) 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.

(c) The small claims division of the district court may grant monetary relief and equitable relief as provided for in subsection 2(c) (2) below, except that:

- (1) Monetary relief shall not include punitive damages; and
- (2) Equitable relief shall be granted only as between parties to a landlord-tenant disagreement pursuant to chapter 521, and shall be limited to orders of repair, replace, refund, reform, and rescind.

(d) Class actions are prohibited in the small claims division of the district court.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 5, 1979.)

## ACT 173

H.B. NO. 435

A Bill Relating to Offenses Affecting Occupations.

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

SECTION 1. Section 708-880, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 708-880 Commercial bribery.** (1) A person commits the offense of commercial bribery if:

- (a) He confers or offers or agrees to confer, directly or indirectly, any benefit upon:
  - (i) An agent with intent to influence the agent to act contrary to a duty to which, as an agent, he is subject; or
  - (ii) An appraiser with intent to influence the appraiser in his selection, appraisal, or criticism; or
- (b) Being an agent, an appraiser, or agent in charge of employment, he solicits, accepts, or agrees to accept, directly or indirectly, any benefit from another person with intent:
  - (i) In the case of an agent, that he will thereby be influenced to act contrary to a duty to which, as an agent, he is subject; or
  - (ii) In the case of an appraiser, that he will thereby be influenced in his selection, appraisal, or criticism; or

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

(iii) In the case of an agent in charge of employment, that he will thereby be influenced in the exercise of his discretion or power with respect to hiring someone, or retaining someone in employment, or discharging or suspending someone from employment.

(2) In this section:

(a) "Agent" means:

- (i) An agent or employee of another;
- (ii) A trustee, guardian, or other fiduciary;
- (iii) A lawyer, physician, accountant, appraiser, or other professional adviser or informant;
- (iv) An officer, director, partner, manager, or other participant in the direction of the affairs of an incorporated or unincorporated association; or
- (v) An arbitrator or other purportedly disinterested adjudicator or referee;

(b) "Appraiser" means a person who holds himself out to the public as being engaged in the business of making disinterested selection, appraisal, or criticism of commodities or services;

(c) "Agent in charge of employment" does not include any person conducting a private employment agency licensed and operating in accordance with law.

(3) Commercial bribery is a misdemeanor, except in the event that the value of the benefit referred to in subsection (1) exceeds \$1,000, in which case commercial bribery shall be a class C felony."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 5, 1979.)

ACT 174

H.B. NO. 577

A Bill for an Act Relating to Services for Indigent Criminal Defendants.

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

SECTION 1. Section 802-7 Hawaii Revised Statutes, is amended to read:

"**Sec. 802-7 Litigation expenses.** The court may, upon a satisfactory showing that a criminal defendant is unable to pay for transcripts or witness fees and transportation, or for investigatory, expert or other services, and upon a finding that the same are necessary for an adequate defense, direct that such expenses be paid from available court funds or waived, as the case may be; provided that where the defendant is represented by the state public defender or by other counsel appointed by the court except for such other counsel appointed by the court for reasons of conflict of interest on the part of the public defender, the public defender shall pay for or

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

authorize payment for the same, if the public defender determines that the defendant is unable to pay for the same and that the same are necessary for an adequate defense, and if there is a dispute as to the financial ability of the defendant such dispute shall be resolved by the court. In cases where other counsel have been appointed by the court for reasons of conflict of interest, the court may, upon the requisite showing of inability to pay and a finding that such expenses are necessary for an adequate defense as set forth above, direct that such expenses be paid from available court funds or waived, as the case may be.”

SECTION 2. Statutory material to be repealed is bracketed.\*

SECTION 3. This Act shall take effect July 1, 1979.

(Approved June 5, 1979.)

A Bill for an Act Relating to Public Assistance.

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

SECTION 1. Section 346-71, Hawaii Revised Statutes, is amended by amending subsection (b) to read:

“(b) A disabled person between eighteen and sixty-five years of age shall be eligible for general assistance, if he:

- (1) Is determined to be needy in accordance with standards established by this chapter and the rules and regulations of the department;
- (2) Is unable to meet the requirements established by the Federal Supplemental Security Income Program or its successor agency; and
- (3) Is unable to engage in any substantial gainful employment because of a physical or mental impairment determined and certified by a licensed physician. The department may require that such determination and certification be by a licensed physician designated and paid by the department. “Substantial” as the term is used herein shall mean at least thirty hours of work per week.

Any person determined to be eligible under this subsection may be referred to any appropriate state agency for vocational rehabilitation services and shall be required to accept the services as a further condition of eligibility for the receipt of general assistance under this section. In addition to the foregoing, any person determined to be eligible under this subsection may be required to seek employment, and participate in public work projects as described in section 346-31, and in public employment projects as described in section 346-102.”

SECTION 2. Section 346-71, Hawaii Revised Statutes, is amended by amending subsection (c) to read:

“(c) A person with dependent children in the home shall be eligible for general assistance if:

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

- (1) He is unemployed for reasons other than voluntary separation without good cause or for misconduct; and
- (2) He is actively and diligently seeking gainful employment; and
- (3) He has not refused to accept employment when offered; and
- (4) He has registered and is available for work as required by section 383-29; and
- (5) He has exhausted all of his benefits under chapter 383; provided should the benefits of any person under chapter 383 be less than those for which he would otherwise be eligible hereunder, he shall be eligible for supplementary general assistance; and provided further that this provision of exhaustion shall not apply to those persons not entitled by law to such benefits; or
- (6) He is employed but without sufficient income or other resources to provide sufficient support to maintain himself or those dependent upon him consistent with the standards of this chapter.

“Children” as used in this section shall mean a person who:

- (1) Is ineligible for and is unable to obtain aid under a federal assistance program; and
- (2) Is in need, and has not sufficient income or other resources to provide health care and support to maintain a standard consistent with this chapter; and
- (3) Has not attained the age of eighteen years; provided that a child between the ages of eighteen and twenty-one years shall be eligible for assistance under this section, if he or she:
  - (A) Is regularly attending high school to complete requirements leading to a high school diploma or its equivalent; or
  - (B) Is employed part-time and is enrolled at least half-time in an organized program of vocational or technical training designed to fit the child for gainful employment; or
  - (C) Is employed part-time and is enrolled at least half-time in a local college or university; and
- (4) Is living in a home with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, uncle, aunt, first cousin, nephew, niece, or hanai parents in a place of residence maintained by such relative as his own home; or is living in a family home or institution conforming to the standards fixed by the department.

A child for the purposes of this section does not include an unborn child or fetus.”

SECTION 3. Section 346-71, Hawaii Revised Statutes, is amended by amending subsection (d) to read:

“(d) A person who is at least fifty-five years of age shall be eligible for general assistance if:

- (1) He is unemployed for reasons other than voluntary separation without good cause or for misconduct; and
- (2) He is actively and diligently seeking gainful employment; and
- (3) He has not refused to accept employment when offered; and
- (4) He has registered and is available for work as required by section 383-29; and

- (5) He has exhausted all of his benefits under chapter 383; provided should the benefits of any person under chapter 383 be less than those for which he would otherwise be eligible hereunder, he shall be eligible for supplementary general assistance; and provided further that this provision of exhaustion shall not apply to those persons not entitled by law to such benefits; or
- (6) He is employed but without sufficient income or other resources to provide sufficient support to maintain himself or those dependent upon him consistent with the standards of this chapter.”

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 5, 1979.)

ACT 176

H.B. NO. 608

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

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

SECTION 1. Section 346-4.5, Hawaii Revised Statutes, is amended to read:

“**Sec. 346-4.5 Investigators; authority and access to records.** The director shall appoint and commission one or more investigators as the exigencies of the public service may require. Persons appointed and commissioned under this section shall have and may exercise all the powers and authority of a police officer or of a deputy sheriff, provided that the persons so appointed and commissioned shall not carry any firearms. Information necessary to investigate fraud and other crimes relating to public assistance, to locate absent parents, to establish paternity, and to obtain and enforce court orders of support, and contained within the records of any agency, board, commission, authority, or committee of the State or its political subdivisions shall be made available to any commissioned investigator of the department of social services and housing, notwithstanding any provision for confidentiality.”

SECTION 2. New statutory material is underscored.\*

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

(Approved June 5, 1979.)

ACT 177

H.B. NO. 1039

A Bill for an Act Relating to the Standard Form Fire Insurance Policy.

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

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

SECTION 1. Section 431-420, Hawaii Revised Statutes, is amended to read:

**“Sec. 431-420 Standard form fire insurance policy.** (a) The standard form fire insurance policy as authorized and in effect in the State of New York on December 31, 1943, or its approved equivalent is established as the standard form fire insurance policy for this State, and no fire insurance policy shall be delivered or issued for delivery in this State in any other than the standard form or its approved equivalent with such additions or modifications as are allowed or required by this chapter. This section is not applicable to inland marine policies or policies written upon motor vehicles or aircraft. For the purpose of this section, “approved equivalent” means any form of policy which does not correspond to the standard fire insurance policy, provided that the coverage with respect to the peril of fire, when viewed in its entirety, is substantially equivalent to, or more favorable to the insured than that contained in the standard fire insurance policy and approved for use by the Insurance Commissioner, State of Hawaii.

(b) The insurance commissioner shall at all times keep on file in his office a copy of the standard form fire insurance policy certified by the superintendent of insurance of the State of New York, and copies of all forms deemed to be equivalent.

(c) Nothing herein shall affect the validity of any policy otherwise valid or of any claim thereunder against an insurer.

(d) No part of the standard form fire insurance policy or its approved equivalent shall be omitted therefrom.

(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 or its approved equivalent if the policy provisions with respect to the perils of fire and lightning are the exact provisions of the standard form fire insurance policy or its approved equivalent and, except with respect to homeowners policies, if the premium for the perils of fire and lightning is separately stated.

(f) The following additions to or modifications of the standard form fire insurance policy or its approved equivalent are permitted:

- (1) An insurer may use in its policies its name, location of its principal office and date of incorporation, the amount of its paid-in capital stock, the amount of subscribed capital if separately stated, the names of its officers and agents, the number and date of the policy, or the words: “This policy shall not be valid until countersigned by the duly authorized manager or agent of the company at . . . . .”.
- (2) The pages of the standard policy or its approved equivalent may be renumbered and rearranged for convenience in the preparation of individual contracts and to provide space for the description of the property insured, the listing of rates and premiums for coverages insured thereunder or under endorsements attached or printed thereon, and such other data as may be conveniently included for duplication on daily reports or office records, and there may be substituted for the word company a more accurate descriptive term for the type of insurer.
- (3) An insurer organized under special charter provisions may so indicate upon its policy and may add a statement of the plan under which it operates in this State.

- (4) An insurer may use in its policies written, typewritten, or printed forms of description and specifications of the property insured.
- (5) An insurer may use in its policies with the approval of the commissioner, if the same are not already included in the standard policy or its approved equivalent, any provisions which any insurer is required by law to insert in its policies not in conflict with the standard policy. The provisions shall be printed apart from the other conditions, agreements, or provisions of the policy under separate title as follows: "Provisions required by law to be inserted in this policy."
- (6) An insurer may affix to the policy or include therein a written statement that the policy does not cover loss or damage caused by nuclear reaction or nuclear radiation or radioactive contamination, all whether directly or indirectly resulting from an insured peril under the policy; provided that nothing herein shall be construed to prohibit the attachment to any such policy of an endorsement or endorsements specifically assuming coverage of loss or damage caused by nuclear reaction or nuclear radiation or radioactive contamination.
- (7) An insurer may affix to the policy or include therein a written statement that the policy does not cover loss or damage by fire to sugarcane caused by volcanic activity; provided that nothing herein shall be construed to prohibit the attachment to any such policy of an endorsement or endorsements specifically assuming coverage for loss or damage by fire to sugarcane caused by volcanic activity.
- (8) An insurer may use appropriate forms of additional contracts, riders, or endorsements adding to or modifying the provisions in the standard policy or its approved equivalent, 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 or its approved equivalent. Such form of contracts, riders, and endorsements may contain provisions or stipulations inconsistent with the standard policy or its approved equivalent 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.
- (g) A policy issued by a mutual insurer shall contain in the body of the policy the total amount for which the insured may be liable under the charter or articles of the insurer.
- (h) In the event of any conflict between this section and other provisions of this chapter, this section shall govern."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

SECTION 3. This Act shall take effect January 1, 1980.

(Approved June 5, 1979.)

## ACT 178

S.B. NO. 1657

A Bill for an Act Relating to Sugar Producers Crop Loans.

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

SECTION 1. The purpose of this Act is to prevent the abandonment of sugarcane farms whose costs of production exceed their returns, until such time as adequate returns are received, or the prospects for such returns are deemed unrealistic. Act 19, Special Session Laws of Hawaii 1977, is amended by extending the coverage to larger farms, making an additional appropriation, and extending the time limit for loans.

SECTION 2. Act 19, Special Session Laws of Hawaii 1977, as amended by Act 189, Session Laws of Hawaii 1978, is amended by amending section 2 to read as follows:

“SECTION 2. In addition to any loans under Section 1 of this Act the department of agriculture shall make loans to independent sugar growers as provided in this Section. As used in this section, “independent sugar grower” means a grower of raw sugar, testing 96 sugar degrees by the polariscope, determined in accordance with regulations of the United States Department of Agriculture; provided that this term shall not include any producer of sugar, other than as a member of a processing cooperative, who processes his own sugarcane.

The department of agriculture shall make loans to independent sugar growers under this section at an interest rate not to exceed two per cent per year for which no collateral shall be required and there shall be no limit on the amount of a loan to the independent sugar growers as defined herein. The loans shall be made to independent sugar growers upon such terms as provided by rules adopted by the department of agriculture under chapter 91, Hawaii Revised Statutes. The loans shall be administered by the farm loan division of the department of agriculture. In making such loans the department of agriculture shall follow the intent of the legislature that loans made under this section are to assist independent sugar growers with supplemental direct loans to cover deficits through this time period in which there are insufficient national protections concerning sugar importation. The term deficit as used herein shall include (1) any shortages for repayment of loans made by commercial lending institutions for crop production expenses which shall be repaid from revenues of sugar crop harvest, (2) that portion of the total loan required for production expenses, but which amount is not available from commercial lending institutions without requiring collateral other than the crop itself, for crop plantings over the next twenty-four months, and (3) any loss on sugarcane production operations of a farm that is on an annual accounting basis, irrespective of the source of operating funds, with a guarantee of the farm loans by a responsible company; provided expenses for equipment and other capital items shall not be included to compute operating loss. Loans shall be limited to cover either deficits on repayment of production loans and loans required for production expenses or loss on sugarcane production operations,



described herein as deficits (1), (2), and (3). Loans shall be made under this section from appropriations in section 3 of this Act for a period of not more than twenty-four months after July 5, 1977. Loans shall be made under this section from appropriations in section 3.5 of this Act for a period of not more than twenty-four months after the effective date of this Act. Loans shall be made under this section from appropriations in section 3.7 of this Act for a period of not more than thirty-six months after July 1, 1979."

SECTION 3. Act 19, Special Session Laws of Hawaii 1977, as amended, is amended by adding a new section to read as follows:

"SECTION 3.7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$3,200,000, or so much as may be necessary, for the purposes of making farm loans to independent sugar growers as provided in section 2 of the Act, provided that no less than \$1,200,000 of this appropriation shall be loaned to growers whose sugar production is less than † 4,000 tons per year and that no more than \$2,000,000 of this appropriation shall be loaned to growers whose sugar production exceeds 4,000 tons per year. Loans to growers whose production exceed 4,000 tons per year shall be made for a term not to exceed three years with no requirement on installment repayment of principal, provided that payments for annual interest are maintained and that the entire amount of loan is due and payable at the end of three years. The sum appropriated shall be expended by the department of agriculture for the purposes of this Act. All sums appropriated under this section which are not expended or encumbered thirty-six months after the effective date of this Act shall lapse."

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 5, 1979.)

ACT 179

S.B. NO. 1760

A Bill for an Act Relating to Aeronautics.

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

SECTION 1. Section 261-17, Hawaii Revised Statutes, is amended to read:

"**Sec. 261-17 Enforcement of laws.** (a) Enforcement officers. The director of transportation, officers, and employees of the department of transportation, and every state and county officer charged with the enforcement of state laws and ordinances, shall enforce and assist in the enforcement of this chapter and of all rules, regulations, and orders issued pursuant thereto and of all other laws of the State; and in that connection each of the persons may inspect and examine at reasonable hours

† "Than" substituted for "that" to correct obvious clerical error.

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

any premises, and the buildings and other structures thereon, where airports, air navigation facilities, or other aeronautical activities are operated or conducted. In aid of the enforcement of this chapter, the rules, regulations, and orders issued pursuant thereto, and all other laws of the State, the powers of police officers are conferred upon the director, and such of the officers, employees, agents and representatives of the department as may be designated by the director to exercise such powers, including the power to serve and execute warrants and arrest offenders, and the power to serve notices and orders. For the purposes of this subsection the term "agents and representatives" includes persons performing services at airports under contract with the department.

(b) Court aid. The department may, in the name of the State, enforce the provisions of this chapter and the rules, regulations, and orders issued pursuant thereto by injunction or other legal process in the courts of the State."

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

(Approved June 5, 1979.)

## ACT 180

S.B. NO. 1771

A Bill for an Act Relating to Developmental Disabilities.

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

SECTION 1. Chapter 333E, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 333E-1 Findings and purpose.** The legislature finds that:

- (1) The State of Hawaii has a responsibility to provide services for its developmentally disabled citizens in order to aid them in living as complete and normal lives as possible.
- (2) Several departments of the State are responsible for various services to the developmentally disabled, namely the department of health provides health services, the department of education provides educational services, and the department of social services and housing provides vocational rehabilitation and other social services.
- (3) Lack of coordination among the services and planning activities of the various departments of the State results in gaps in the spectrum of needed services, duplication of services, lack of clarity in responsibility for services, and poorly articulated inter-agency programs, thereby reducing the quality of programs for the developmentally disabled.
- (4) Because of specific mandates of the departments, it is essential that a body responsible for coordinating services and planning for the developmentally disabled be established outside the departments responsible for services.
- (5) There exists within the state department of health for administrative purposes only, a state planning council on developmental disabilities ap-

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

pointed by the governor and mandated by federal legislation, supported in large part by federal moneys and required by federal law to provide coordination and planning in the field of developmental disabilities.

- (6) The purpose of this chapter is to establish the state planning council on developmental disabilities as the state agency responsible for coordinating services to the developmentally disabled residents of Hawaii.

**Sec. 333E-2 Developmental disabilities, definitions.** For the purposes of this chapter, "developmental disabilities" means a severe, chronic disability of a person which:

- (1) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (2) Is manifested before the person attains age twenty-two;
- (3) Is likely to continue indefinitely;
- (4) Results in substantial functional limitations in three or more of the following areas of major life activity; self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic sufficiency; and
- (5) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

**Sec. 333E-3 State planning council on developmental disabilities.** The state planning council on developmental disabilities (hereinafter referred to as the state council or the council) shall be placed in the department of health for administrative purposes only and assigned the following responsibilities:

- (1) Planning. The state council shall:
  - (A) Develop, prepare, adopt, and periodically review and revise, as necessary, the state plan for developmentally disabled (hereinafter called the state plan) in conformance with federal substantive and procedural requirements therefor. The state council shall transmit the state plan to the governor for approval, and upon approval shall be submitted to the federal government for appropriate approval. The state plan and revisions thereto shall be effective upon the governor's approval thereof. The state plan shall include establishment of goals and priorities of the State in meeting the needs of the developmentally disabled, including the establishment of priorities for the distribution of public funds for comprehensive services to the developmentally disabled within the State and other matters deemed necessary to achieve normalization of lives of the developmentally disabled. The state plan shall in addition provide for coordinated delivery and establishment of comprehensive services, facilities, and programs for the developmentally disabled.
  - (B) Review and comment upon implementation plans prepared and carried out by the various departments of the State in carrying out the state plan for the developmentally disabled.
  - (C) Review and comment upon any other state plans which affect services to the developmentally disabled.

- (2) Coordination of departments and private agencies. The council shall:
  - (A) Identify services duplicated by departments and private agencies and coordinate and assist in the elimination of unnecessary duplication.
  - (B) Encourage efficient and coordinated use of federal, state and private resources in the provision of services.
  - (C) Designate areas of responsibility for services to both public and private agencies serving developmentally disabled clients, reviewing such designations as necessary. Identify gaps in services to the developmentally disabled and coordinate responsibilities of various public or private agencies for such missing services.
  - (D) Insure that implementation planning by the various departments is effectively coordinated and that interdepartmental programs receive the full support of all departments involved.
- (3) Evaluation. The council shall:
  - (A) Monitor, evaluate and comment upon implementation plans of the various public and private agencies for the developmentally disabled.
  - (B) Monitor all ongoing projects relating to developmental disabilities of the various public and private agencies.
  - (C) Monitor deinstitutionalization of Waimano training school and hospital and that individualized habilitation plans are being implemented for each resident transferred from Waimano.
- (4) Advocacy. The council shall:
  - (A) Advocate for the needs of the developmentally disabled before the legislature and the public and to the governor.
  - (B) Act in an advisory capacity to the governor, the legislature, and all concerned department heads on all issues affecting the developmentally disabled.
  - (C) Serve as a channel for complaints by consumers of services for the developmentally disabled, following up on such complaints and taking such action as may be warranted.
- (5) Report. The council shall:
  - (A) Prepare and submit annual reports to the governor, the legislature, and all concerned department heads on the implementation of the state plan. The report presented to the legislature shall be submitted 10 days prior to the convening of the legislature.
  - (B) Prepare and submit to the United States Secretary of Health, Education and Welfare, through the governor, any periodic reports the Secretary may reasonably request.
  - (C) Prepare other reports necessary to accomplish its duties under this chapter.
- (6) Rules. The council shall adopt, amend, and repeal rules under chapter 91, necessary for the implementation of this chapter.

**Sec. 333E-4 Membership on the state council.** The state council shall consist of fifteen voting members, appointed by the governor for staggered terms in the manner prescribed by section 26-34. The members of the council shall be residents of the State. The council shall at all times include in its membership representatives of

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the principal state agencies, higher education training facilities, and local agencies or nongovernmental agencies or groups concerned with services to persons with developmental disabilities in this State.

- (1) At least one-half of the membership of the council shall consist of consumer persons who:
  - (A) Are persons with developmental disabilities or their parents, or
  - (B) Immediate relatives or guardians of such persons, and who are not employees of a state agency which receives funds or provides services under the state council, or managing employees, or persons with an ownership or controlling interest of any other entity which receives funds or provides services under the state council.
- (2) Of the members of the council described in paragraph (1) of this section:
  - (A) At least one-third shall be persons with developmental disabilities, and
  - (B) At least one-third shall be immediate relatives or guardians of such person, of which at least one shall be an immediate relative or guardian of an institutionalized person with developmental disabilities.
- (3) The members of the state council shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this division.

**Sec. 333E-5 Officers, committees, staff.** The state council shall, by majority vote of the voting members, elect its own chairman from among the appointed members, and shall establish such committees as it deems necessary or desirable. The state council may appoint an executive secretary subject to chapters 76 and 77 who may appoint persons to such staff positions subject to chapter 76 and 77 as the council may authorize within available funds. The affirmative votes of a majority of the members of the council shall be necessary for the appointment or removal of the executive secretary.

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 5, 1979.)

ACT 181

H.B. NO. 428

A Bill for an Act Relating to Nuisance Abatement.

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

**SECTION 1. Purpose.** The purpose of this Act is to provide an appropriate remedy to abate offenses against public health and morals in the nature of offenses defined as prostitution, displaying indecent matter, and the like.

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

SECTION 2. The Hawaii Revised Statutes are amended by adding a new part to chapter 712 to be appropriately designated and to read as follows:

**“PART  
NUISANCE ABATEMENT**

**Sec. 712- Places of prostitution, displaying indecent matter, etc., a nuisance.** Every place used for the purpose of violating those laws pertaining to offenses against public health and morals contained in parts I and II of chapter 712, and every place in or upon which such violations are held or occur, including but not limited to all forms of prostitution, displaying indecent matter, promoting pornography, and promoting pornography for minors, is a nuisance which shall be enjoined, abated and prevented, whether it is a public or private nuisance.

**Sec. 712- Suit to abate.** Whenever there is reason to believe that a nuisance as defined in this chapter is in existence, kept, or maintained in any county, the attorney general of the State of Hawaii or the prosecutor or prosecuting attorney of the respective counties shall, or any citizen of the State residing within such county may in his own name, maintain a suit to abate and prevent such nuisance and to perpetually enjoin the person or persons, owner, lessee, or agent of the building or place in or upon which the nuisance exists from directly or indirectly maintaining or permitting the nuisance.

**Sec. 712- Temporary writ.** Whenever the existence of a nuisance is shown in a suit brought under this part to the satisfaction of the court or the judge thereof, either by verified petition or affidavit, or both, the court or judge thereof shall allow a temporary writ of injunction to abate and prevent the continuance or recurrence of such nuisance. The petition in such suit need not be verified, except in those suits brought by a citizen in his own name, but shall be signed by the party bringing the same and shall include a certification that the complainant believes the allegations of the petition to be true.

**Sec. 712- Suit to have precedence.** The suit when brought shall have precedence over all cases, excepting criminal proceedings, election contests, and hearings on injunctions, and in such suit evidence of the general reputation of the place shall be admissible for the purpose of proving the existence of the nuisance.

**Sec. 712- Failure to prosecute.** If the petition is filed by a citizen, it shall not be dismissed by the complainant or for want of prosecution except upon a sworn statement by the complainant or the complainant's attorney, setting forth the reasons why the suit should be dismissed, and the dismissal ordered by the court. In case of failure to prosecute any such suit with reasonable diligence, or at the request of the complainant, the court, in its discretion, may substitute any other citizen consenting thereto for the complainant. If a suit is brought by a citizen and the court finds that there was no reasonable ground or cause therefor, the costs shall be taxed against such citizen.

**Sec. 712- Order of abatement.** If the existence of a nuisance is established in a suit as provided herein, an order of abatement shall be entered as a part of the judgment in the case, and the court shall also direct the effectual closing of the place, against its use for any purpose, and that it be kept closed for a period not exceeding

one year, unless sooner released, as provided by section 712- . While the order remains in effect as to closing, the place shall remain in the custody of the court.

**Sec. 712- Costs and expenses.** For any costs or expenses incurred in the closing of the place and keeping it closed, as well as the costs and expenses incurred by the party bringing the action, a reasonable sum shall be allowed by the court.

**Sec. 712- Owner not guilty of contempt; may pay costs.** If the owner of the building or place has not been guilty of any criminal contempt of court in the proceedings, and appears and pays all costs, fees, and allowances which are a lien on the place and files a bond in a reasonable amount to be fixed by the court, with sureties, to be approved by the court or judge, conditioned that he will immediately abate any such nuisance that may exist at such place and prevent the same from being established or kept thereat for a period of one year thereafter, the court or the judge thereof, may, if satisfied of the owner's good faith, order the property or place closed under the order of abatement canceled so far as the same may relate to the closing of said property. The release of the property under the provisions of this section does not release it from any judgment, lien, penalty, or liability to which it may be subject by law.

**Sec. 712- Fine, costs, lien on place.** Any costs, expenses, and fines imposed against any owner of a place in any proceedings under this part shall be a lien upon such place, to the extent of the interest of such person therein, enforceable and collectable by execution issued by the order of the court.

**Sec. 712- Termination of lease.** The notice by the owner of any premises to the lessee that the lease will be revoked if he continues the maintenance of the nuisance, and other action taken to revoke the lease or to obtain the termination of the nuisance shall be given appropriate consideration by the court in the determination of a criminal contempt action brought against the owner in connection with abatement procedures of this part.

**Sec. 712- Place.** "Place" as used in this part means any building, structure, or place, or any separate part or portion thereof, whether permanent or not, or the ground itself."

SECTION 3. Section 710-1077, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 710-1077 Criminal contempt of court.** (1) A person commits the offense of criminal contempt of court if:

- (a) He recklessly engages in disorderly or contemptuous behavior, committed during the sitting of a court in its immediate view and presence, and directly tending to interrupt its proceedings or impair the respect due to its authority; or
- (b) He creates a breach of peace or a disturbance with intent to interrupt a court's proceedings; or
- (c) As an attorney, clerk, or other officer of the court, he knowingly fails to perform or violates a duty of his office, or knowingly disobeys a lawful directive or order of a court; or
- (d) He knowingly publishes a false report of a court's proceedings; or

- (e) Knowing that he is not authorized to practice law, he represents himself to be an attorney and acts as such in a court proceeding; or
- (f) He intentionally records or attempts to record the deliberation of a jury; or
- (g) He intentionally disobeys or resists the process, injunction, or other mandate of a court; or
- (h) He intentionally refuses to be qualified as a witness in any court or, after being qualified, to answer any proper interrogatory without a privilege to refuse to answer; or
- (i) Being a juror, he intentionally, without permission of the court, fails to attend a trial or official proceeding to which he has been summoned or at which he has been chosen to serve; or
- (j) He is in violation or disobedience of any injunction or order expressly provided for in part of chapter 712.

(2) Except as provided in subsections (3) and (7), criminal contempt of court is a misdemeanor.

(3) The court may treat the commission of an offense under subsection (1) as a petty misdemeanor, in which case:

- (a) If the offense was committed in the immediate view and presence of the court, or under such circumstances that the court has knowledge of all of the facts constituting the offense, the court may order summary conviction and disposition; and
- (b) If the offense was not committed in the immediate view and presence of the court, nor under such circumstances that the court has knowledge of all of the facts constituting the offense, the court shall order the defendant to appear before it to answer a charge of criminal contempt of court; the trial, if any, upon the charge shall be by the court without a jury; and proof of guilt beyond a reasonable doubt shall be required for conviction.

(4) When the contempt under subsection (1) also constitutes another offense, the contemnor may be charged with and convicted of the other offense notwithstanding the fact that he has been charged with or convicted of the contempt.

(5) Whenever any person is convicted of criminal contempt of court or sentenced therefor, the particular circumstances of the offense shall be fully set forth in the judgment and in the order or warrant of commitment. In any proceeding for review of the judgment, sentence, or commitment, no presumption of law shall be made in support of the jurisdiction to render the judgment, pronounce the sentence, or order the commitment. A judgment, sentence, or commitment under subsection (3) (a) shall not be subject to review by appeal, but shall be subject to review in an appropriate proceeding for an extraordinary writ or in a special proceeding for review.

All other judgments, sentences, or commitments for criminal contempt of court shall be subject to review by appeal, in a proceeding for an appropriate extraordinary writ, or in a special proceeding for review.

(6) Nothing in this section shall be construed to alter the court's power to punish civil contempt. When the contempt consists of the refusal to perform an act which the contemnor has the power to perform, he may be imprisoned until he has performed it. In such a case the act shall be specified in the warrant of commitment. In any proceeding for review of the judgment or commitment, no presumption of law shall



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be made in support of the jurisdiction to render the judgment or order the commitment.

(7) Any violation or disobedience of any injunction or order expressly provided for in part of chapter 712 is punishable by (a) a fine of not less than \$400 nor more than \$5,000, or (b) by imprisonment for not less than one nor more than six months, or (c) both (a) and (b)."

SECTION 4. New statutory material is underscored.\*

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

(Approved June 5, 1979.)

## ACT 182

H.B. NO. 511

A Bill for an Act Relating to Motor Vehicle Industry Licensing.

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

SECTION 1. Section 437-1.1, Hawaii Revised Statutes, is amended to read as follows:

"(8) "Distributor branch" means any office or establishment maintained by a distributor which is not at the same address at the distributor and is used, either directly or indirectly, for the purpose of selling, offering for sale, promoting the sale of, or distributing new motor vehicles to dealers, or for the purpose of directing or supervising, in whole or in part, factory [or]† distributor representatives."

SECTION 2. New statutory material is underscored.\*

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

(Approved June 5, 1979.)

## ACT 183

H.B. NO. 1004

A Bill for an Act Relating to Duress.

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

SECTION 1. Section 702-231, Hawaii Revised Statutes, is amended to read as follows:

"**Sec. 702-231 Duress.** (1) It is a defense to a penal charge that the defendant engaged in the conduct or caused the result alleged because he was coerced to do so by the use of, or a threat to use, unlawful force against his person or the person of another, which a person of reasonable firmness in his situation would have been unable to resist.

(2) The defense provided by this section is unavailable if the defendant recklessly placed himself in a situation in which it was probable that he would be subjected

†Bracketed word substituted for "of".

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

to duress. The defense is also unavailable if he was negligent in placing himself in such a situation, whenever negligence suffices to establish the requisite state of mind for the offense charged.

(3) It is not a defense that a person acted on the command of his or her spouse, unless he or she acted under such coercion as would establish a defense under this section.

(4) When the conduct of the defendant would otherwise be justifiable under section 702-302, this section does not preclude the defense of justification.

(5) In prosecutions for any offense described in this Code, the defense asserted under this section shall constitute an affirmative defense. The defendant shall have the burden of going forward with the evidence to prove the facts constituting such defense, unless such facts are supplied by the testimony of the prosecuting witness or circumstance in such testimony, and of proving such facts by a preponderance of the evidence pursuant to section 701-115."

SECTION 2. New statutory material is underscored.\*

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

(Approved June 5, 1979.)

## ACT 184

H.B. NO. 1382

A Bill for an Act Related to Terroristic Threatening.

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

SECTION 1. Chapter 707, Hawaii Revised Statutes, is amended as follows:

1. Section 707-715 is amended to read:

**"Sec. 707-715 Terroristic threatening, defined.** A person commits the offense of terroristic threatening if he threatens, by word or conduct, to cause bodily injury to another person or serious damage to property of another or to commit a felony:

- (1) With the intent to terrorize, or in reckless disregard of the risk of terrorizing, another person; or
- (2) With intent to cause, or in reckless disregard of the risk of causing evacuation of a building, place of assembly, or facility of public transportation."

2. By adding two new sections to be appropriately designated and to read:

**"Sec. 707- Terroristic threatening in the first degree.** (1) A person commits the offense of terroristic threatening in the first degree if he commits terroristic threatening:

- (a) By threatening another person on more than one occasion for the same or a similar purpose; or
- (b) By threats made in a common scheme against different persons; or

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

- (c) Against a public servant; or
- (d) With the use of a dangerous instrument.
- (2) Terroristic threatening in the first degree is a class C felony.

**Sec. 707- Terroristic threatening in the second degree.** (1) A person commits the offense of terroristic threatening in the second degree if he commits terroristic threatening other than as provided in section 707-

- (2) Terroristic threatening in the second degree is a misdemeanor.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 5, 1979.)

ACT 185

H.B. NO. 1496

A Bill for an Act Relating to the Limitation of Action for Damages Based on Construction to Improve Real Property.

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

SECTION 1. Section 657-8, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 657-8 Limitation of action for damages based on construction to improve real property.** No action to recover damages for any injury to property, real or personal, or for bodily injury or wrongful death, arising out of any condition of an improvement to real property, nor any action for contribution or indemnity for damages sustained on account of such injury, shall be brought against the owner of the real property or any other person having an interest therein or in the improvement or against any person constructing, altering or repairing the improvement, or manufacturing or furnishing materials incorporated in the improvement, or performing or furnishing services in the design, planning, supervision, observation of construction or administration of construction contracts for any construction, alteration or repair of the improvement to real property more than two years after the cause of action has accrued, but in any event not more than six years after the date of completion of the improvement. This section shall not apply to actions for damages against the owner or any other person having an interest in the real property or improvement based on their negligent conduct or in the improvement in the repair or maintenance of the improvement or to actions for damages against surveyors for their own errors in boundary surveys. The term “improvement” as used in this section shall have the same meaning as in section 507-41 and the phrase “date of completion” as used in this section shall mean the time when there has been substantial completion of the improvement or the improvement has been abandoned. The filing of an affidavit of publication and notice of completion with the circuit court where the property is

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

situated in compliance with section 507-43(f) shall be prima facie evidence of the date of completion.”

**SECTION 2. Savings clause.** Notwithstanding the provisions of section 1 of this Act, in the case of such an injury to property or the person or such an injury causing wrongful death, which injury occurred during the fifth or sixth year after the date of completion, an action to recover damages for such an injury or wrongful death may be brought within two (2) years after the date on which such injury occurred (irrespective of the date of death) but in no event may such an action be brought more than eight (8) years after the date of completion of the improvement.

**SECTION 3.** Except as provided in section 2 above, nothing in this Act shall be construed as extending the period prescribed by the laws of this State for the bringing of any action.

**SECTION 4.** The amendments made by this Act shall apply to any action or proceeding which is commenced on or after the date of its approval and, to the extent permitted by law, to any action or proceeding which is pending on the date of such approval.

**SECTION 5.** Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 5, 1979.)

## ACT 186

H.B. NO. 1633

A Bill for an Act Relating to the Manufacturing and Distribution of Commercial Feeds in the State of Hawaii.

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

**SECTION 1.** Chapter 144, Hawaii Revised Statutes, is amended to read:

### **“CHAPTER 144 FEEDING STUFFS**

**Sec. 144-1 Short title.** This chapter may be cited as the “Hawaii Feed Law of 1979.”

**Sec. 144-2 Administration.** This chapter shall be administered by the department of agriculture, hereinafter referred to as the “department”.

**Sec. 144-3 Definitions.** When used in this chapter:

- (1) The term “person” includes individual, partnership, corporation, and association.

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

- (2) The term “distribute” means to offer for sale, sell, barter, or otherwise supply commercial feeds or custom-mixed feeds. The term “distributor” means any person who distributes.
- (3) The term “sell” or “sale” includes exchange.
- (4) The term “official name” of a feed ingredient means the name of a feed ingredient which is defined in the current official publication of the Association of American Feed Control Officials, Incorporated.
- (5) The term “commercial feed” means all materials which are designed for use as feed, or for mixing in feed, for animals other than dogs, cats, or other domestic pets, and which are distributed or imported except:
  - (A) Whole seeds unmixed or physically altered entire unmixed seeds, when no adulterated within the meaning of section 144-7, which are distributed for use as feed or for mixing in feed.
  - (B) Hay, straw, stover, silage, cobs, husks, and hulls (i) when unground or (ii) when unmixed with other materials.
  - (C) Wet garbage.
  - (D) Individual chemical compound when not mixed with other materials.
  - (E) Unmixed feeding cane molasses, unmixed pineapple pulp, unmixed pineapple hay, and unmixed sugarcane hay.
- (6) The term “feed ingredient” means each of the constituent materials making up a commercial feed.
- (7) The term “mineral feed” means a substance or mixture of substances designed or intended to supply primarily mineral elements or inorganic nutrients.
- (8) The term “drug” means any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man and articles other than feed intended to affect the structure of any function of the animal body.
- (9) The term “manufacture” means to grind, mix, or blend, or further process a commercial feed for distribution.
- (10) The term “custom-mixed feed” means a special commercial mixture which is formulated by the manufacturer or processor in accordance with the specific instructions of the final purchaser and contains feed material or materials wholly or partly supplied by such manufacturer or processor.
- (11) The term “toll-milled feed” means a special feed which is processed by the processor (A) from materials entirely delivered by the owner thereof or his authorized agent, and (B) in accordance with the specific instructions of such owner, and which is not distributed.
- (12) The term “commercial mixed feed” means a commercial feed which is a mixture or blend of more than one feed ingredient.
- (13) The term “commercial simple feed” means a commercial feed that consists of only one feed ingredient.
- (14) The term “brand name” means any word, name, symbol, or device or any combination thereof identifying the commercial feed of a distributor and distinguishing it from that of others.
- (15) The term “product name” means the name of the commercial feed which identifies it as to kind, class, or specific use.

- (16) The term "label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed or imported, or on the invoice or delivery slip with which a commercial feed or custom-mixed feed is distributed or imported.
- (17) The term "ton" means a net weight of two thousand pounds avoirdupois.
- (18) The term "per cent" or "percentage" means percentage by weight.
- (19) The term "official sample" means any sample of feed taken by the board or its agent and designated as "official" by the board of agriculture.

**"Sec. 144-4 Registration.** (a) Each commercial feed shall be registered before being distributed in this State or imported; provided that custom-mixed feed and toll-milled feed are exempt from registration. The application for registration shall be submitted on forms furnished by the department of agriculture and, if the department so requests, shall also be accompanied by a label or other printed matter describing the product. All registration shall be effective for one year beginning January 1 and expiring December 31 of each year. A registration fee shall be paid to the department for each commercial feed registered. Each registration may be renewed for one year. Upon approval by the department a copy of the registration shall be furnished [to]† the applicant. The [application]†† shall include the information required by paragraphs (1), (2), (3), (4), (5), (6), and (7) of section 144-5(a).

(b) A distributor shall not be required to register any brand of commercial feed which is already registered under this chapter by another person.

(c) Changes in the guarantee of either chemical or ingredient composition of a registered commercial feed may be permitted; provided there is satisfactory evidence that the changes would not result in a lowering of the feeding value of the product for the purpose for which designed.

(d) The department is empowered to refuse registration of any application not in compliance with this chapter and to cancel any registration subsequently found not to be in compliance with this chapter; provided that no registration shall be refused or canceled until the registrant shall have been given an opportunity to be heard before the department and to amend his application in order to comply with the requirements of this chapter.

**Sec. 144-5 Labeling.** (a) Any commercial feed, other than custom-mixed or toll-milled feed, distributed in this State or imported shall be accompanied by a legible label bearing the following information:

- (1) The net weight.
- (2) The product name or brand name under which the commercial feed is distributed.
- (3) The guaranteed analysis stated in such terms as the department by rule determines is required to advise the user of the composition of the feed or to support claims made in the labeling. In all cases the substances or elements must be determinable by laboratory methods published by the Association of Official Analytical Chemists.

†Bracketed word substituted for "by".

††Bracketed word substituted for "applicant".

- (4) The common or official name of each ingredient used in the manufacture of the commercial feed, except as the department may, by rule, permit the use of a collective term for a group of ingredients all of which perform the same function.
  - (5) The name and principal address of the person responsible for distributing the commercial feed.
  - (6) Adequate directions for use for all commercial feeds containing drugs and for such other feeds as the department may require by rule as necessary for their safe and effective use.
  - (7) Such precautionary statements as the department by rule determines are necessary for the safe and effective use of the commercial feed.
- (b) When a commercial feed is distributed in this State in bags or other containers, the label shall be placed on or affixed to the container; when a commercial feed is distributed in bulk the label shall accompany delivery and be furnished to the purchaser at time of delivery.
- (c) A custom-mixed feed shall be labeled by numbered invoice. The invoice, which is to accompany delivery and be supplied to the purchaser at the time of delivery, shall bear the following information:
- (1) Name and address of the mixer.
  - (2) Name and address of the purchaser.
  - (3) Date of sale.
  - (4) Product name and brand name, if any, of each registered commercial feed used in the mixture and the name and number of pounds of each other feed ingredient added.
  - (5) The term "custom-mixed feed."
  - (6) Adequate directions for use for all custom-mixed feeds containing drugs and for such other feeds as the department may require by rule as necessary for their safe and effective use.
  - (7) Such precautionary statements as the department by rule determines are necessary for the safe and effective use of the custom-mixed feed.
- (d) A toll-milled feed shall be labeled with the term, "toll-milled feed" and the name and address of the owner thereof.
- (e) If a commercial, custom-mixed, or toll-milled feed contains (1) a nonnutritive substance which is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or which is intended to affect the structure of any function of the animal body or (2) a food additive, the department may require the label of the commercial or toll-milled feed, or the invoice of the custom-mixed feed to show the amount present, directions for use, and/or warnings against misuse of the feed.
- (f) Whenever a manufacturer, processor, mixer, or distributor of feed makes a claim or guarantee relative to the content of the feed on or with the package containing the same, which claim or guarantee is in addition to those required by law, he shall be responsible for maintaining the claim or guarantee, and may be required to submit information and records pertinent to the claim or guarantee.

**Sec. 144-6 Inspection fees.** (a) There shall be paid to the department of agriculture for all commercial feeds distributed or imported for use or sale in this State an inspection fee; provided that custom-mixed feeds are exempted if the inspection

fee is paid on the commercial feeds which they contain; and provided further that sales of commercial feeds to manufacturers or exchanges between them are exempted if the commercial feeds so sold or exchanged are used solely in the manufacture of feeds which are registered; and provided further that a distributor shall pay an annual registration fee for each brand of commercial feed distributed in individual packages of ten pounds or less, and the distributor of the brand shall not be required to pay the inspection fee on the packages of the brand so registered; and provided further that toll-milled feeds are exempted. All fees collected shall be deposited with the state director of finance to the credit of the general fund.

(b) Every person, except as hereinafter provided, who distributes or imports for use or sale commercial or custom-mixed feed in this State shall:

(1) File, not later than the last day of January, last day of April, last day of July, and last day of October of each year, quarterly statements, setting forth the number of net tons of commercial or custom-mixed feeds distributed or imported in this State during the preceding calendar quarter; and upon filing the statements shall pay the inspection fee. Inspection fees which are due and owing and have not been remitted to the department within thirty days following the due date shall have a penalty fee of five per cent added to the amount due when payment is finally made. The assessment of this penalty fee shall not prevent the department from taking other action as provided in this chapter. When more than one person is involved in the distribution or importation of a commercial feed, the person who imports or distributes to the consumer is responsible for reporting the tonnage and paying the inspection fee unless the report and payment have been made by a prior distributor, seller, or exporter of the feed. If the inspection fee has been paid on a commercial simple feed which is subsequently converted into a mixed feed for distribution, the person responsible for the mixing shall be required to pay an additional inspection fee per ton on the amount of simple feed that has been so converted.

(2) Keep such records as may be necessary or required by the department to indicate accurately the tonnage of commercial or custom-mixed feed distributed in this State, and the department shall have the right to examine the records to verify statements of tonnage. Failure to make accurate statement of tonnage or to pay the inspection fee or to comply as provided herein shall constitute sufficient cause for the cancellation of all registrations on file for the distributor.

(c) The department may require the filing of further reports with respect to importation of commercial or custom-mixed feeds by carriers, seller's agents, and named consignees.

**Sec. 144-7 Adulteration.** A commercial feed shall be deemed to be adulterated:

- (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such commercial feed shall not be considered adulterated under this section if the quantity of such substance in such commercial feed does not ordinarily render it injurious to health;
- (2) If it bears or contains any added poisonous, added deleterious, or added



nonnutritive substance which is unsafe within the meaning of section 406 of the Federal Food, Drug, and Cosmetic Act (other than one which is (A) a pesticide chemical in or on a raw agricultural commodity; or (B) a food additive);

- (3) If it is, or it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;
- (4) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of section 408(a) of the Federal Food, Drug, and Cosmetic Act; provided that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under section 408 of the Federal Food, Drug, and Cosmetic Act and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed feed shall not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity, unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of section 408(a) of the Federal Food, Drug, and Cosmetic Act;
- (5) If it is, or it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act;
- (6) If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor;
- (7) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling;
- (8) If it contains a drug and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practice regulations promulgated by the department to assure that the drug meets the requirement of this chapter as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess. In promulgating such regulations, the department shall adopt the current good manufacturing practice regulations for medicated feed premixes and for medicated feeds established under authority of the Federal Food, Drug, and Cosmetic Act, unless it determines that they are not appropriate to the conditions which exist in this State; or
- (9) If it contains viable weed seeds in amounts exceeding the limits which the department shall establish by rule and regulation.

**Sec. 144-8 Misbranding.** No person shall distribute or import misbranded feed. A commercial, toll-milled, or custom-mixed feed shall be deemed to be misbranded:

- (1) If its labeling is false or misleading in any particular.
- (2) If it is distributed under the name of another feed.

- (3) If it is not labeled as required in section 144-5 and in rules prescribed under this chapter.
- (4) If it purports to be or is represented as a commercial feed, or if it purports to contain or is represented as containing a feed ingredient, unless such commercial feed or feed ingredient conforms to the definition of identity, if any, prescribed by rules of the department of agriculture. In the adoption of such rules the department shall give due regard to commonly accepted definitions such as those issued by the Association of Feed Control Officials.
- (5) If any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

**Sec. 144-9 Prohibited acts.** The following acts and the causing thereof within this State by any person are prohibited:

- (1) The manufacture or distribution of any commercial feed that is adulterated or misbranded.
- (2) The adulteration or misbranding of any commercial feed.
- (3) The removal or disposal of a commercial feed in violation of an order under section 144-12.
- (4) The failure or refusal to register in accordance with section 144-4.
- (5) The violation of section 144-13(f).
- (6) Failure to pay inspection fees and file reports as required by section 144-6.
- (7) The refusal to permit entry upon any public or private premises including any vehicle of transport during business hours in order that the department of agriculture or its authorized agents can have access to any feed and to records relating to the feed.
- (8) The distribution of any toll-milled feed.
- (9) The redistribution of any custom-mixed feed.
- (10) The distribution within the State or importation into the State of commercial feeds, other than custom-mixed feed, which have not been registered in the manner provided in this chapter.
- (11) The distribution within this State or importation into the State of commercial or custom-mixed feeds which have not been labeled in the manner provided in this chapter.
- (12) The storage or transportation of toll-milled feeds which have not been labeled in the manner provided in this chapter.

**Sec. 144-10 Inspection, sampling, analysis.** (a) For the purpose of enforcement of this chapter, and in order to determine whether its provisions have been complied with, including whether or not any operation may be subject to such provisions, officers or employees duly designated by the department, upon presenting appropriate credentials, are authorized:

- (1) To enter, during normal business hours, any factory, warehouse, or establishment within the State in which commercial feeds are manufactured,

processed, packed, or held for distribution, or to enter any vehicle being used to transport or hold such feeds; and

- (2) To inspect at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein. The inspection may include the verification of only such records, and production and control procedures as may be necessary to determine compliance with the good manufacturing practice rules established under section 144-7(d).

(b) If the officer or employee making such inspection of a factory, warehouse, or other establishment has obtained a sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained.

(c) If the owner of any factory, warehouse, or establishment described in subsection (a), or his agent, refuses to admit the officer or his agent to inspect in accordance with subsection (a), the department may obtain from any state court a warrant directing such owner or his agent to submit the premises described in such warrant to inspection.

(d) For the enforcement of this chapter, the department or its duly designated agent may enter upon any public or private premises, including any vehicle of transport during regular business hours to have access to, and to obtain samples, and to examine records relating to distribution of commercial feeds.

(e) Sampling and analysis shall be conducted in accordance with methods published by the Association of Official Analytical Chemists or in accordance with other generally recognized methods.

(f) The results of all analyses of official samples shall be forwarded by the department to the person named on the label or to the purchaser. When the inspection and analysis of an official sample indicates commercial feed has been adulterated or misbranded and upon request within thirty days following receipt of the analysis, the department shall furnish to the registrant a portion of the sample concerned.

(g) The department, in determining for administrative purposes whether a commercial feed is deficient in any component, shall be guided by the official sample as defined in section 144-3(19) and obtained and analyzed as provided for in subsections (b), (d), and (e) of this section.

**Sec. 144-11 Rules and regulations.** (a) The department may adopt such rules and regulations for commercial feeds as are specifically authorized in this chapter and such other reasonable rules and regulations as may be necessary for the efficient enforcement of this chapter. In the interest of uniformity the department shall by rule adopt, unless it determines that they are inconsistent with the provisions of this chapter or are not appropriate to conditions which exist in this State, the following:

- (1) The official definitions of feed ingredients and official feed terms adopted by the Association of American Feed Control Officials and published in the official publication of that organization; and
- (2) Any regulation promulgated pursuant to the authority of the Federal Food, Drug, and Cosmetic Act, provided that the department shall have the authority under this chapter independently to adopt such regulations.

- (b) The department shall enforce this chapter and, subject to chapter 91, may adopt rules and regulations with respect to:
- (1) Providing for registration and inspection fees;
  - (2) Providing for penalties for deficiencies of official samples;
  - (3) Determining responsibilities and procedures for payment of registration, inspection, and penalty fees;
  - (4) Such other matters as may be necessary in order to secure the efficient administration of this chapter.

**Sec. 144-12 Detained commercial feeds.** (a) "Withdrawal from distribution" orders. When the department of agriculture or its authorized agent has reasonable cause to believe any lot of feed is being distributed in violation of this chapter or of any of the prescribed regulations under this chapter, it may issue and enforce a written or printed "withdrawal from distribution" order, warning the distributor not to dispose of the lot of feed in any manner until written permission is given by the department or the circuit court. The department shall release the lot of feed so withdrawn when the chapter and regulations have been complied with. If compliance is not obtained within thirty days, the department may begin, or upon request of the distributor or owner shall begin, proceedings for condemnation.

(b) "Condemnation and confiscation". Any lot of feed not in compliance with the chapter and regulations shall be subject to seizure on complaint of the department to a court of competent jurisdiction in the area in which the feed is located. In the event the court finds the feed to be in violation of this chapter and orders the condemnation of the feed, it shall be disposed of in any manner consistent with the quality of the feed and the laws of the State; provided that in no instance shall the disposition of the feed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of the feed or for permission to process or relabel the feed to bring it into compliance with this chapter.

**Sec. 144-13 Penalties.** (a) Any person convicted of violating any of the provisions of this chapter or the rules and regulations issued thereunder or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the department of agriculture or its duly authorized agent in performance of his duty in connection with this chapter, shall be adjudged guilty of a misdemeanor and shall be fined not less than \$50 or more than \$100 for the first violation, and not less than \$100 or more than \$500 for a subsequent violation. In all prosecutions under this chapter involving the composition of a lot of feed, a certified copy of the official analysis signed by the chemist shall be accepted as prima facie evidence of the composition.

(b) Nothing in this chapter shall be construed as requiring the department or its representative to report for prosecution or for the institution of seizure proceedings as a result of minor violations of the chapter when he believes that the public interest will be best served by a suitable notice of warning in writing.

(c) Each county attorney or prosecuting attorney to whom any violation is reported shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. Before the department reports a violation for prosecution, an opportunity shall be given the distributor or owner to present his view to the department.

(d) The department may apply for and the court may grant a temporary or

permanent injunction restraining any person from violating or continuing to violate this chapter or any rule or regulation promulgated under the chapter notwithstanding the existence of other remedies at law. The injunction is to be issued without bond.

(e) Any person adversely affected by an act, order, or ruling made pursuant to this chapter may within forty-five days thereafter bring action in the circuit court for new trial of the issues bearing upon the act, order, or ruling, and upon trial the court may issue and enforce such orders, judgments, or decrees as the court may deem proper, just, and equitable.

(f) Any person who uses to his advantage, or reveals to other than departmental officers or to the courts when relevant in any judicial proceeding, any information acquired under the authority of this chapter, concerning any method, records, formulations, or processes which as a trade secret is entitled to protection, is guilty of a misdemeanor and shall on conviction thereof be fined not less than \$100 or imprisoned for not less than thirty days, or both; provided that this prohibition shall not be deemed as prohibiting the department, or its duly authorized agent, from exchanging information of a regulatory nature with duly appointed officials of the United States government, or of other states, who are similarly prohibited by law from revealing this information.

**Sec. 144-14 Cooperation with other entities.** The department may cooperate with and enter into agreements with governmental agencies of this State, other states, agencies of the federal government, and private associations to carry out the purpose and provisions of this chapter.

**Sec. 144-15 Publications.** The department of agriculture shall publish at least annually in such forms as it may deem proper, information concerning the distribution of feeds, together with such data on their production and use as it may consider advisable, and a report of the results of the analyses of official samples of feeds distributed within the State as compared with the analyses guaranteed in the registration and on the label; provided that the information concerning production and use of feeds shall not disclose the operations of any person.”

SECTION 2. If any clause, sentence, paragraph, or part of this Act shall for any reason be judged invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 3. All laws and parts of laws in conflict with or inconsistent with the provisions of this Act are repealed.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 5, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

A Bill for an Act Relating to the Exemption of Nutrition Program Assistants.

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

SECTION 1. The purpose of this Act is to provide civil service exemption for Nutrition Program Assistants of the University of Hawaii's federally funded Expanded Food and Nutrition Education Program.

The Expanded Food and Nutrition Education Program is a federally funded program designed to educate and advise persons in target areas of the nutritional needs of their families and economical ways of fulfilling these needs. Field work for this program involves home visitations by Nutrition Program Assistants.

Federal guidelines for the Expanded Food and Nutrition Education Program require that assistants be indigenous to the area they serve. In Hawaii assistants must live in the area where they work and be of similar ethnic background to their targeted audience. Civil Service recruitment procedures are not designed to recognize these special and unique requirements which are considered necessary for most effective program results. Therefore, it is essential that these Nutrition Program Assistants be exempt from civil service.

SECTION 2. Section 76-16, Hawaii Revised Statutes, is amended to read:

**"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 one year, 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;
- (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 eight 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; three law clerks for the chief justice of the supreme court, two law clerks for each associate justice of the supreme court, and one law clerk for 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 paragraph [(17);] (16);
- (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 special, research, or demonstration projects approved by the governor, for which projects federal funds are available;
- (13) Positions filled by inmates, kokua, and patients of state institutions, and persons with severe physical or mental handicaps participating on the Work Experience Training Programs, students, and positions filled through federally funded programs which provide temporary public service employment such as the federal Comprehensive Employment and Training Act of 1973;
- (14) A custodian or guide at Iolani Palace, Royal Mausoleum, and Hulihee Palace;
- (15) Positions filled by persons employed on a fee, contract, or piecework 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;
- (16) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, article [IV,] V, 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; one additional deputy in the department of health to administer all environmental health programs within the jurisdiction of the department; one additional deputy in the department of social services and housing

either in charge of welfare or such other functions within the department as may be assigned by the director of social services; one additional deputy in the department of health in charge of administration or such other functions within the department as may be assigned by the director of health with the approval of the governor; and [as] an administrative assistant to the superintendent of education;

- (17) Positions specifically exempted from this part by any other law; provided that all of the positions defined by paragraph (9) shall be included in the position classification plan;
- (18) 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;
- (19) Household employees at the official residence of the president of the University of Hawaii;
- (20) Employees in the department of education engaged in the supervision of students during lunch periods and in the cleaning of classrooms after school hours on a less than halftime basis[.];
- (21) Positions of the federally funded expanded food and nutrition program of the University of Hawaii which require hiring of nutrition program assistants who live in the areas they serve.

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 3. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved June 5, 1979.)

## ACT 188

H.B. NO. 1663

A Bill for an Act Relating to Vocational Rehabilitation.

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

SECTION 1. Chapter 348, Hawaii Revised Statutes, is amended as follows:

1. By amending section 348-1 to read:

**"Sec. 348-1 State vocational rehabilitation; policy and scope.** (a) Vocational rehabilitation services shall be provided to handicapped individuals throughout the State in accordance with this chapter and within the limits of available federal, state, and private funds. The vocational rehabilitation plan, formulated in conformance with the Federal Vocational Rehabilitation Act, as amended, and adopted pursuant to this chapter, shall be in effect in all political subdivisions of the State.

(b) The acceptance of federal funds, donations, grants-in-aid, and outright grants, for use in carrying out the purposes of this chapter, is authorized, provided restrictions imposed by the donor are not inconsistent with this chapter."



2. By amending section 348-2 to read:

**“Sec. 348-2 Definitions.** For the purposes of this chapter:

- (1) The term “handicapped individual” means an individual who is under a physical or mental disability which is stable or slowly progressive and constitutes a substantial handicap to employment, but which is of such a nature that appropriate vocational rehabilitation services may reasonably be expected to render him able to engage in a remunerative occupation.
- (2) The term “remunerative occupation” includes employment as an employee or self-employed, practice of a profession, homemaking, or farm and family work for which payment is in kind rather than cash, sheltered employment and home industry or other homebound work of a remunerative nature.
- (3) The term “eligible handicapped individual”, when used with respect to diagnostic and related services, training, guidance, and placement, means any handicapped individual whose vocational rehabilitation is determined feasible by the department of social services and housing, and when used with respect to other vocational rehabilitation services, means an individual meeting the above requirements who is also found by the department to require financial assistance with respect thereto, after full consideration of his financial resources, or in the instance of minors the financial resources of parents, and eligibility for any similar benefit by way of pension, compensation, insurance, or of any other available assistance.
- (4) The term “vocational rehabilitation services” means:
  - (A) Diagnostic and related services (including transportation) incidental to the determination of whether an individual is a handicapped individual, and if so, his eligibility for, and the nature and scope of other vocational rehabilitation services to be provided; and
  - (B) The following services provided eligible handicapped individuals needing the services:
    - (i) Training;
    - (ii) Guidance;
    - (iii) Placement;
    - (iv) Maintenance, not exceeding the estimated costs of subsistence during vocational rehabilitation;
    - (v) Occupational licenses, tools, equipment, initial stocks, and supplies (including equipment and initial stocks and supplies for vending stands), books, and training materials;
    - (vi) Transportation (other than provided as diagnostic and related services);
    - (vii) Physical restoration;
    - (viii) Reader services for the blind;
    - (ix) Interpreter services for the deaf;
    - (x) Telecommunications, sensory, or other technological aids and devices;
    - (xi) Services to family members;
    - (xii) Post employment services;

- (xiii) Other goods and services which will benefit an individual's employability.
- (5) The term "physical restoration" includes:
- (A) Corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes a substantial handicap to employment, but is of such a nature that the correction or modification may reasonably be expected to eliminate or substantially reduce the handicap within a reasonable length of time; and includes psychiatric treatment, dentistry, physical therapy, occupational therapy, speech or hearing therapy, treatment of medical complications, and emergencies which are associated with or arise out of physical restoration services or are inherent in the condition under treatment, and other medical services related to rehabilitation;
  - (B) Necessary hospitalization (either in-patient or out-patient), nursing or rest home care, in connection with surgery or treatment specified in the preceding subparagraph (A);
  - (C) Prosthetic devices essential to obtaining or retaining employment.
- (6) The term "prosthetic appliance" means any appliance designed to support or take the place of a part of the body, or to increase the acuity of a sensory organ.
- (7) The term "maintenance" means payments, not exceeding the cost of subsistence, provided an eligible handicapped individual necessary to derive the benefit of other vocational rehabilitation services being provided to achieve the individual's vocational rehabilitation objective.
- (8) The term "health maintenance" means payments for medical care for acute conditions occurring in the course of vocational rehabilitation which are not expected to last thirty days.
- (9) The term "vocational rehabilitation" means making an individual able, or increasing his ability to engage in, and placement in, a remunerative occupation through providing him needed vocational rehabilitation services.
- (10) The term "rehabilitation facility" means a facility operated for the primary purpose of assisting in the rehabilitation of handicapped individuals:
- (A) Which provides one or more of the following types of services:
    - (i) Testing, fitting, or training in the use of prosthetic devices;
    - (ii) Prevocational or conditioning therapy;
    - (iii) Physical or occupational therapy;
    - (iv) Adjustment training;
    - (v) Evaluation or control of special disabilities; or
  - (B) Through which is provided an integrated program of medical, psychological, social, and vocational evaluation and services under competent professional supervision.
- (11) The term "workshop" means a place where any manufacture or handiwork is carried on and which is operated for the primary purpose of providing remunerative employment to severely handicapped individuals who cannot be readily absorbed in the competitive labor market.

- (12) The term "nonprofit", when used with respect to a rehabilitation facility or a workshop, means a rehabilitation facility and a workshop, respectively, owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501(c) of the Internal Revenue Code.
  - (13) Establishment of a workshop or rehabilitation facility means:
    - (A) In the case of a workshop, the expansion, remodeling, or alteration of existing buildings, necessary to adapt the buildings to workshop purposes or to increase the employment opportunities in workshops, and the acquisition of initial equipment necessary for new workshops or to increase the employment opportunities in workshops; and
    - (B) In the case of a rehabilitation facility, the expansion, remodeling, or alteration of existing buildings, and initial equipment of such buildings, necessary to adapt the buildings to rehabilitation facility purposes (subject, however, to such limitations as the director of social services may by regulations prescribe in order to prevent impairment of the objectives of, or duplication of, other federal laws providing federal assistance to states in the construction of such facilities), and initial staffing thereof.
  - (14) "Department" means the department of social services and housing.
  - (15) "Director" means the director of social services."
3. By amending section 348-3 to read:

**"Sec. 348-3 Functions of the department.** (a) Except as may be otherwise provided with respect to the blind, the department of social services and housing shall be the state agency to supervise and administer the vocational rehabilitation services authorized by this chapter under the state plan formulated in conformance with the Federal Vocational Rehabilitation Act, as amended, except for that part as may be administered by a local agency of a political subdivision in the State, and the department of social services and housing shall be the agency to supervise the local agency in the administration of that part.

(b) The director of social services shall prepare, conformable to this chapter, the regulations and the state plan of vocational rehabilitation, and from time to time prepare such changes as shall appear to be necessary or desirable.

(c) Within such limits and under such conditions as may be specified in appropriations therefor, the department may establish public and other nonprofit rehabilitation facilities and workshops.

(d) The department shall use available state appropriations and donations for initiating projects for research, demonstrations, training, and traineeships, and for planning for and initiating expansion of vocational rehabilitation services under the state plan whenever federal funds are available for such purposes."

4. By repealing section 348-4.

5. By amending section 348-6 to read:

**"Sec. 348-6 Administrative personnel and administration.** (a) The department of social services and housing may adopt and promulgate regulations with respect to methods of administration, use of medical and other records of individuals

who have been provided vocational rehabilitation services, and the establishment and maintenance of personnel standards, including provisions relating to the tenure, appointment, and qualification of personnel, which shall govern with respect to such matters notwithstanding any other law.

(b) The department shall adopt and promulgate regulations respecting (1) the establishment and maintenance of minimum standards governing the facilities and personnel utilized in the provision of vocational rehabilitation services, and (2) the order to be followed in selecting those to whom vocational rehabilitation services are to be provided in situations where such services cannot be provided all eligible handicapped people.

(c) The department may also promulgate regulations with regard to the use of professional personnel of the department in cooperation with the federal government for the purpose of surveying needs and implementing rehabilitation services in any of the federal government's political subdivisions or trust territories, when such actions or services involve no cost to the State."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 5, 1979.)

## ACT 189

H.B. NO. 1664

A Bill for an Act Relating to Blind and Visually Handicapped Persons.

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

SECTION 1. Section 347-4, Hawaii Revised Statutes, is amended to read:

**"Sec. 347-4 Vocational rehabilitation of blind.** The department of social services and housing shall provide vocational rehabilitation for blind and visually handicapped persons in accordance with the provisions of the federal Vocational Rehabilitation Act and the Randolph-Sheppard Act and in accordance with chapter 348, to the extent permitted by the amount appropriated, funds available from the federal government, and other donations, and grants."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 5, 1979.)

## ACT 190

S.B. NO. 86

A Bill for an Act Relating to Insurance.

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

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

SECTION 1. Section 431-420, Hawaii Revised Statutes, is amended by amending subsections (e) and (f) to read:

“(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.

(f) The following additions to or modifications of the standard form fire insurance policy are permitted:

- (1) An insurer may use in its policies its name, location of its principal office and date of incorporation, the amount of its paid-in capital stock, the amount of subscribed capital if separately stated, the names of its officers and agents, the number and date of the policy, or the words: “This policy shall not be valid until countersigned by the duly authorized manager or agent of the company at . . . . .”.
- (2) The pages of the standard policy may be renumbered and rearranged for convenience in the preparation of individual contracts and to provide space for the description of the property insured, the listing of rates and premiums for coverages insured thereunder or under endorsements attached or printed thereon, and such other data as may be conveniently included for duplication on daily reports or office records, and there may be substituted for the word company a more accurate descriptive term for the type of insurer.
- (3) An insurer organized under special charter provisions may so indicate upon its policy and may add a statement of the plan under which it operates in this State.
- (4) An insurer may use in its policies written, typewritten, or printed forms of description and specifications of the property insured.
- (5) An insurer may use in its policies with the approval of the commissioner, if the same are not already included in the standard policy, any provisions which any insurer is required by law to insert in its policies not in conflict with the standard policy. The provisions shall be printed apart from the other conditions, agreements, or provisions of the policy under separate title as follows: “Provisions required by law to be inserted in this policy.”
- (6) An insurer may affix to the policy or include therein a written statement that the policy does not cover loss or damage caused by nuclear reaction or nuclear radiation or radioactive contamination, all whether directly or indirectly resulting from an insured peril under the policy; provided that nothing herein shall be construed to prohibit the attachment to any such policy of an endorsement or endorsements specifically assuming coverage of loss or damage caused by nuclear reaction or nuclear radiation or radioactive contamination.
- (7) An insurer may affix to the policy or include therein a written statement that the policy does not cover loss or damage by fire to sugarcane caused by volcanic activity; provided that nothing herein shall be construed to prohibit the attachment to any such policy of an endorsement or endorsements specifically assuming coverage for loss or damage by fire to sugarcane

caused by volcanic activity.

- (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 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.”

SECTION 2. Chapter 431, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**Sec. 431- Multi-peril policies.** Except with respect to homeowners policies, insurers issuing multi-peril policies shall state separately the premiums and the amounts of insurance or limits of liability for fire and allied lines, inland marine, general liability, crime and each optional coverage, and shall attach a separate rate sheet to the policy. The rate sheet prescribed by the commissioner shall state all pertinent rating factors including classifications, premium basis and rates used in the computation of the final premium.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 4. This Act shall take effect on January 1, 1980.

(Approved June 6, 1979.)

## ACT 191

S.B. NO. 1284

A Bill for an Act Relating to the Uniform Probate Code and Trusts.

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

SECTION 1. **Purpose.** The purpose of this Act is to facilitate coordination of the trust, uniform probate code and professional corporations provisions of the Hawaii Revised Statutes, and to ensure that professional corporations qualifying as trustees shall be subject to the fiduciary duties applicable to trustees.

SECTION 2. Section 560:3-602, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 560:3-602 Acceptance of appointment; consent to jurisdiction.** By accepting appointment, a personal representative submits personally to the jurisdiction of the court in any proceeding relating to the estate that may be instituted by any interested person. Notice of any proceeding shall be delivered to the personal representative and his attorney, or mailed to them by ordinary first class mail at the

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

addresses as listed in the application or petition for appointment or as thereafter reported to the court and to the addresses as then known to the petitioner.

A professional corporation accepting appointment under section 560:3-601 shall be subject to the fiduciary duties set out in part 3 of article VII of this chapter in addition to such regulations as may be imposed by the regulatory board of the profession in which the corporation is engaged.”

SECTION 3. Section 406-4, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 406-4 Corporations acting as personal representatives, etc.** Except as provided in section 560:3-601 and in section 554-2, no corporation or joint-stock company, except trust companies doing business under this chapter and except banks authorized to engage in a trust business, shall act as personal representative, guardian, assignee, or receiver, or shall engage in the business of acting as trustee for the management and investment of funds of other persons, or shall continue to do business with the word “trust” or “trustee” in its corporate name, under penalty of \$10 for every day that it so acts or engages in business. The penalty may be recovered by the director of regulatory agencies in a civil action before any court of competent jurisdiction.”

SECTION 4. Section 416-142, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 416-142 Definitions.** As used in this part:

- (1) “Professional services” means any type of professional services which may be lawfully rendered only by persons licensed pursuant to chapters 442, 448, 453, 455, 458, 459, 460, 461, 466, 471, and 605, or appointed pursuant to section 554-2.
- (2) “Professional corporation” means a corporation organized under this part which is engaged in rendering professional services in a single profession, pursuant to a certificate of registration issued by the regulating board of the profession as herein provided, or pursuant to appointment made as provided in section 554-2.
- (3) “Licensed person” means any natural person who is licensed under chapters 442, 448, 453, 455, 458, 459, 460, 461, 466, 471, or 605, to render the same professional services as are or will be rendered by the professional corporation of which he is, or intends to become, an officer, director, shareholder, or employee, or any natural person who is appointed or who is a stockholder of a professional corporation which is appointed under section 554-2.
- (4) “Disqualified person” means a licensed person who for any reason becomes legally disqualified either temporarily or permanently, to render the same professional services which the particular professional corporation of which he is an officer, director, shareholder, or employee is or was rendering.
- (5) “Regulating board” means the board which is charged with the licensing and regulation of the practice of the profession which the professional corporation is organized to render, or in the case of attorneys, the supreme

court of the State, or in the case of trustees appointed under section 554-2, the court supervising the administration of the trust.”

SECTION 5. Section 416-144, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 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 or a currently effective order of appointment of the supervising court in the case of trustees appointed pursuant to section 554-2. No such certificate of registration shall be withheld without cause or arbitrarily withheld.”

SECTION 6. Section 416-147, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 416-147 Transfer of shares.** Shares in a professional corporation may be transferred only to a licensed person or to the professional corporation, and any transfer in violation of this restriction shall be void.

A professional corporation may purchase and redeem its own shares without regard to any restrictions provided in this chapter upon the purchase and redemption of shares of its own stock by a corporation, if at least one share remains issued and outstanding after such purchase and redemption.

If the corporation fails to acquire all of the shares of a disqualified or deceased shareholder, or if the disqualified shareholder or the representative of a deceased shareholder fails to transfer said shares to the corporation or to a licensed person, within ninety days following the date of disqualification, or within six months following the date of death of such shareholder, as the case may be, then the certificate of registration or order of appointment of the professional corporation may be suspended or revoked by the regulating board of the profession in which the corporation is engaged. In the event of such suspension or revocation the corporation shall cease forthwith to render professional services.”

SECTION 7. Section 416-149, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 416-149 Name.** A professional corporation may adopt any name permitted by a law expressly applicable to the profession in which the corporation is engaged or by a rule or regulation of the regulating board of such profession or, in the case of a professional corporation appointed pursuant to section 554-2, any name which is otherwise allowed by this chapter; provided, that such name shall not be substantially the same as the name of a domestic corporation, the name of a foreign corporation which is authorized to transact business in this State, or a name which is under reservation for another corporation. The director of regulatory agencies may require proof by affidavit or otherwise establishing that the name of the professional corporation complies with the requirements of this section, and of the law governing the profession in which the professional corporation is engaged, and of the rules or



regulations of the regulating board of the profession. The statements of fact in such affidavits may be accepted by the director of regulatory agencies as sufficient proof of the facts.”

SECTION 8. Chapter 406, Hawaii Revised Statutes, is hereby amended by adding a new section to be appropriately designated and to read as follows:

“**Sec. 406- Authority of corporate fiduciaries with respect to securities.** Notwithstanding any other provision of law to the contrary, every trust company as defined in this chapter may deposit with a clearing corporation, as defined in section 490:8-102(3), securities held in a fiduciary or an agency capacity by such trust company, in the absence of a specific provision to the contrary in the governing instrument or court order under which such trust company is acting. When such securities are so deposited, they may be merged and held in bulk in the name of a nominee of the clearing corporation with other securities of the same class of the same issuer deposited with the clearing corporation by any person, regardless of the ownership of the securities, and certificates representing such securities may be consolidated in one or more certificates of larger denomination. Ownership of, and other interests in, such securities may be transferred by bookkeeping entries on the books of the clearing corporation, without physical delivery of certificates representing the securities. The records of such trust company shall show at all times the names of the persons for whose accounts securities are on deposit with the clearing corporation and an inventory of those securities. On demand by a person for whose account securities have been deposited with the clearing corporation, such trust company shall certify to that person the securities so deposited by such trust company for the account of that person. On demand by any party to a judicial proceeding for settlement of an account of such trust company in a particular fiduciary capacity, or on demand by an attorney for any such party, such trust company shall certify to that party the securities deposited with the clearing corporation by such trust company in that capacity.”

SECTION 9. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 10. This Act shall take effect upon its approval.

(Approved June 6, 1979.)

A Bill for an Act Relating to Intoxicating Liquor.

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

SECTION 1. Section 281-18, Hawaii Revised Statutes, is repealed.

SECTION 2. Section 281-43, Hawaii Revised Statutes, is amended to read as follows:

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

**“Sec. 281-43 Price posting.** (a) Liquor price posting. A written schedule of prices shall be filed with the liquor commission, in such form as the commission may prescribe, such schedule to include a written schedule of selling prices charged and discounts offered for liquor sold, or distributed, to licensees within the State.

Amendments to the price schedules shall be filed by the licensee on or before the fifteenth day of the month prior to which they are to go into effect and shall become effective on the first day of the calendar month following the filing thereof. Any licensee can meet competitive prices or discounts, on similar liquor, by amending his effective price schedule to lower his price or prices, or to increase his discounts, to not less than the price filed in any price schedule filed or in effect for such similar items, and such amended competitive prices shall become effective the same time the competitive prices for similar items shall become effective, or immediately, if such competitive price schedule is already in effect.

(b) The schedule shall be filed by:

- (1) The manufacturer or wholesaler who owns the brand, if licensed by the commission, or
- (2) A wholesaler, selling the brand, who is appointed as exclusive agent, in writing, by the brand owner for the purpose of filing the schedule, if the brand owner is not licensed by the commission, or
- (3) Any wholesaler, with the approval of the commission, in the event that the owner of the brand does not file or is unable to file a schedule or designate an agent for such purpose.

(c) Selling at other than posted price. No licensee shall advertise, offer for sale, or sell liquor at a price other than the price filed in any price schedule in effect.”

SECTION 3. Section 281-43 is hereby repealed effective July 1, 1980.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 6, 1979.)

## ACT 193

H.B. NO. 1657

A Bill for an Act Relating to the Definition of Death.

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

SECTION 1. Section 327C-1, Hawaii Revised Statutes, is amended to read:

**“Sec. 327C-1 Determination of death.** (a) Except as provided in subsection (b) of this section, a person shall be considered dead if in the announced opinion of a physician licensed under chapter 453, based on ordinary standards of current medical practice, the person has experienced irreversible cessation of spontaneous respiratory and circulatory functions. Death will have occurred at the time when the irreversible cessation of the functions first coincided.

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

(b) In the event that artificial means of support preclude a determination that respiratory and circulatory functions have ceased, a person shall be considered dead if, in the opinion of an attending physician licensed under chapter 453, and of a consulting physician licensed under chapter 453, based on ordinary standards of current medical practice, the person has experienced irreversible cessation of brain function. The opinions of the physicians shall be evidenced by signed statements. Death will have occurred at the time when the irreversible cessation of brain function first occurred. Death shall be pronounced before artificial means of support are withdrawn and before any vital organ is removed for purposes of transplantation.

(c) When a part of a donor is used for direct organ transplantation under chapter 327, and the donor's death is established by determining that the donor experienced irreversible cessation of brain function, the determination shall only be made under subsection (b) of this section. The physicians making the determination of death shall not participate in the procedures for removing or transplanting a part, or in the care of any recipient.

(d) All death determinations in the State shall be made pursuant to this section and shall apply to all purposes, including but not limited to civil and criminal actions, any laws to the contrary notwithstanding, provided that presumptive deaths under the Uniform Probate Code shall not be affected by this section.

(e) The director of health shall convene in every odd-numbered year, a committee which shall be composed of representatives of appropriate general and specialized medical professional organization, licensed attorneys, and members of the public. The committee shall review medical practice, legal developments, and other appropriate matters to determine the continuing viability of this section, and shall submit a report of its findings and recommendations to the legislature, prior to the convening of the regular session held in each even-numbered year."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 6, 1979.)

ACT 194

H.B. NO. 1658

A Bill for an Act Relating to Controlled Substances.

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

SECTION 1. Section 329-14, Hawaii Revised Statutes, is amended by amending subsection (d) to read:

"(d) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

- (1) 2, 5 dimethoxyamphetamine (2, 5-DMA);
- (2) 3, 4-methylenedioxy amphetamine;
- (3) 5-methoxy-3, 4-methylenedioxy amphetamine;
- (4) 4-bromo-2, 5 dimethoxyamphetamine (4-bromo-2, 5-DMA);
- (5) 3, 4, 5-trimethoxy amphetamine;
- (6) Bufotenine;
- (7) 4-methoxyamphetamine (PMA);
- (8) Diethyltryptamine;
- (9) Dimethyltryptamine;
- (10) 4-methyl-2, 5-dimethoxylamphetamine;
- (11) Ibogaine;
- (12) Lysergic acid diethylamide;
- (13) Marijuana;
- (14) Mescaline;
- (15) Peyote;
- (16) N-ethyl-3-piperidyl benzilate;
- (17) N-methyl-3-piperidyl benzilate;
- (18) Psilocybin;
- (19) Psilocyn;
- (20) Tetrahydrocannabinols;
- (21) Ethylamine analog of phencyclidine (PCE);
- (22) Pyrrolidine analog of phencyclidine (PcPy, PHP);
- (23) Tiophene analog of phencyclidine (TPCP; TCP)."

SECTION 2. Section 329-16, Hawaii Revised Statutes, is amended by amending subsection (d) to read:

"(d) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

- (1) Amobarbital;
- (2) Methaqualone;
- (3) Pentobarbital;
- (4) Phencyclidine;
- (5) Phencyclidine immediate precursors:
  - (A) 1-phenylcyclohexylamine;
  - (B) 1-piperidinocyclohexanecarbonitrile (PCC);
- (6) Secobarbital."

SECTION 3. Section 329-20, Hawaii Revised Statutes, is amended to read as follows:

"**Sec. 329-20 Schedule IV.** (a) The controlled substances listed in this section are included in Schedule IV.

(b) Depressants. Any material, compound, mixture, or preparation which contains any quantity of the following substances having a degree of danger or probable danger associated with a depressant effect on the central nervous system:

- (1) Barbital;
- (2) Chloral betaine;
- (3) Chloral hydrate;

- (4) Chlorazepate;
- (5) Chlordiazepoxide;
- (6) Clonazepam;
- (7) Diazepam;
- (8) Ethchlorvynol;
- (9) Ethinamate;
- (10) Flurazepam;
- (11) Lorazepam;
- (12) Mebutamate;
- (13) Meprobamate;
- (14) Methohexital;
- (15) Methlyphenobarbital;
- (16) Oxazepam;
- (17) Paraldehyde;
- (18) Petrichloral;
- (19) Phenobarbital;
- (20) Prazepam.

(c) Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

- (1) Fenfluramine.

(d) Stimulants. Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Diethylpropion;
- (2) Phentermine;
- (3) Pemoline (including organometallic complexes and chelates thereof).

(e) Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts:

- (1) Dextropropoxyphene;
- (2) Pentazocine.

(f) The department may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection (b) or any stimulant listed in subsection (d) from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant or stimulant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the degree of danger or probable danger of the substances which have a depressant or stimulant effect on the central nervous system.”

SECTION 4. Section 329-23, Hawaii Revised Statutes, is amended to read:

“Sec. 329-23 Republishing and distribution of schedules. (a) The depart-

ment shall republish the schedules annually or more often, as may be necessary to update the schedules.

(b) The department shall publicly announce and, in addition, shall make available to the public copies of any changes to the schedules as such changes are made.”

SECTION 5. Section 329-38, Hawaii Revised Statutes, is amended to read:

“**Sec. 329-38 Prescriptions.** (a) No controlled substance in Schedule II may be dispensed without a written prescription of a practitioner, except:

- (1) In an emergency situation such drugs may be dispensed upon oral prescription of a practitioner, provided that promptly thereafter the prescription is reduced to writing by the practitioner and filed by the pharmacy; or
- (2) When dispensed directly by a practitioner, other than a pharmacist, to the ultimate user. The practitioner in dispensing a controlled substance in Schedule II shall affix to the package a label showing the date of dispensing, the dispensing practitioner’s name and address, name of the patient, directions for use, and cautionary statements, if any, contained in such prescription or as required by law. Prescriptions and records of dispensing shall be retained in conformance with the requirements of section 329-36. No prescription for a controlled substance in Schedule II may be refilled.

(b) No controlled substance in Schedule III or IV may be dispensed without a written or oral prescription of a practitioner, except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user. The practitioner in dispensing a controlled substance in Schedule III and IV shall affix to the package a label showing the date of dispensing, the dispensing practitioner’s name and address, name of the patient, directions for use, and cautionary statements, if any, contained in such prescription or as required by law. Prescriptions and records of dispensing shall be retained in conformance with the requirements of section 329-36. Such prescriptions may not be filled or refilled more than three months after the date thereof or be refilled more than two times after the date of the prescription unless renewed by the practitioner.

(c) A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose.

(d) The effectiveness of a prescription for the purposes of this section shall be determined as follows:

- (1) A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of this section and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled substances.

- (2) A prescription may not be issued in order for an individual practitioner to obtain controlled substances for supplying the individual practitioner for the purpose of general dispensing to patients.
- (3) A prescription may not be issued for the dispensing of narcotic drugs listed in any schedule for "detoxification treatment" or "maintenance treatment".

(e) Prescriptions for controlled substances shall be issued only as follows:

- (1) All prescriptions for controlled substances shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, and the name, address, and registration number of the practitioner. A practitioner may sign a prescription in the same manner as he would sign a check or legal document (e.g., J.H. Smith or John H. Smith). Where an oral order is not permitted, prescriptions shall be written with ink or indelible pencil or typewriter and shall be manually signed by the practitioner. The prescriptions may be prepared by a secretary or agent for the signature of a practitioner, but the prescribing practitioner is responsible in case the prescription does not conform in all essential respects to the law and regulations. A corresponding liability rests upon the pharmacist who fills a prescription not prepared in the form prescribed by this section.
- (2) An intern, resident, or foreign-trained physician, or physician on the staff of a Veterans Administration facility, exempted from registration under this chapter, shall include on all prescriptions issued by him the registration number of the hospital or other institution and the special internal code number assigned to him by the hospital or other institution in lieu of the registration number of the practitioner required by this section. Each written prescription shall have the name of the physician stamped, typed, or handprinted on it, as well as the signature of the physician.
- (3) An official exempted from registration shall include on all prescriptions issued by him his branch of service or agency (e.g., "U.S. Army" or "Public Health Service") and his service identification number, in lieu of the registration number of the practitioner required by this section. The service identification number for a Public Health Service employee is his Social Security identification number. Each prescription shall have the name of the officer stamped, typed, or handprinted on it, as well as the signature of the officer.

(f) A prescription for controlled substances may only be filled by a pharmacist acting in the usual course of his professional practice and either registered individually or employed in a registered pharmacy or registered institutional practitioner."

SECTION 6. Section 329-51, Hawaii Revised Statutes, is amended to read:

**"Sec. 329-51 Powers of enforcement personnel.** Any officer or employee of the department designated by the director of health may:

- (1) Carry firearms in the performance of his official duties;
- (2) Execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses issued under the authority of this State;
- (3) Make arrests without warrant for any offense under this chapter and under

part IV of chapter 712 committed in his presence, or if he has probable cause to believe that the person to be arrested has committed or is committing a violation of this chapter or part IV of chapter 712 which may constitute a felony;

(4) Make seizures of property pursuant to this chapter; or

(5) Perform other law enforcement duties as the director of health designates.”

SECTION 7. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 8. This Act shall take effect upon its approval.

(Approved June 6, 1979.)

## ACT 195

H.B. NO. 189

A Bill for an Act Relating to Boating.

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

SECTION 1. Section 267-6, Hawaii Revised Statutes is amended to read:

“**Sec. 267-6 Enforcement.** The director of transportation may enter into a contract with corporations authorized to engage in business in the State to aid in enforcing this chapter and all rules and regulations adopted pursuant to this chapter in specified areas provided that the corporations agree to undertake this activity at no expense to the State and to hold the State harmless in respect to all injuries, losses, or damages arising from, growing out of or caused by any acts or omissions of the corporations, their officers, agents or employees in connection with the contract. The director of transportation may appoint no more than ten (10) officers and employees of the corporations to serve as boating enforcement officers to enforce this chapter. The director of transportation, officers, and employees of the department of transportation, boating enforcement officers appointed by the director under this section, and every state and county officer charged with the enforcement of state laws shall enforce and assist in the enforcement of this chapter and of all rules adopted pursuant to this chapter.

For the purpose of enforcement, the powers of police officers are conferred upon the director, other officers and employees of the department designated by the director, and boating enforcement officers appointed by the director; and the powers herein conferred shall, without limiting their generality, include the power to be exercised reasonably with respect to the service and execution of warrants, arresting of offenders, service of notices and order, and the stopping, boarding, investigation, and inspection of vessels.

Nothing herein shall preclude enforcement of state or federal laws and requirements pursuant to agreements or other arrangements entered into between the director and appropriate officers and agencies of the United States and other states to ensure the fullest possible cooperation in promoting and attaining the declared policy of section 267-1.”

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.



SECTION 2. Section 662-15, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 662-15 Exceptions.** This chapter shall not apply to:

- (1) Any claim based upon an act or omission of an employee of the State, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation is valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a state officer or employee, whether or not the discretion involved has been abused;
- (2) Any claim arising in respect of the assessment or collection of any tax, or the detention of any goods or merchandise by law enforcement officers;
- (3) Any claim for which a remedy is provided elsewhere in the laws of the State;
- (4) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;
- (5) Any claim arising out of the combatant activities of the Hawaii national guard and Hawaii state guard during time of war;
- (6) Any claim arising in a foreign country.
- (7) Any claim arising out of the acts or omissions of any boating enforcement officer appointed under section 267-6.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 7, 1979.)

ACT 196

H.B. NO. 890

A Bill for an Act Relating to an Office on Hawaiian Affairs.

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

SECTION 1. **Purpose.** The purpose of this bill is to implement Article XII, sections 4, 5, and 6 of the Constitution of the State of Hawaii as amended by the Hawaii Constitutional Convention of 1978, ratified by the electorate, and pertaining to Hawaiian Affairs.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
OFFICE OF HAWAIIAN AFFAIRS**

**Sec. -1 Declaration of purpose.** (a) The people of the State of Hawaii and the United States of America as set forth and approved in the Admission Act,

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

established a public trust which includes among other responsibilities, betterment of conditions for native Hawaiians. The people of the State of Hawaii reaffirmed their solemn trust obligation and responsibility to native Hawaiians and furthermore declared in the state constitution that there be an office of Hawaiian affairs to address the needs of the aboriginal class of people of Hawaii.

(b) It shall be the duty and responsibility of all state departments and instrumentalities of state government providing services and programs which affect native Hawaiians and Hawaiians to actively work toward the goals of this chapter and to cooperate with and assist wherever possible the office of Hawaiian affairs.

**Sec. -2 Definitions.** In this chapter, if not inconsistent with the context:

- (1) "Office" means the office of Hawaiian affairs;
- (2) "Board" means the board of trustees;
- (3) "Administrator" means the administrator of the office of Hawaiian affairs;
- (4) "Native Hawaiian" means any descendant of not less than one-half part of the races inhabiting the Hawaiian Islands previous to 1778, as defined by the Hawaiian Homes Commission Act, 1920, as amended; provided that the term identically refers to the descendants of such blood quantum of such aboriginal peoples which exercised sovereignty and subsisted in the Hawaiian Islands in 1778 and which peoples thereafter continued to reside in Hawaii.
- (5) "Hawaiian" means any descendant of the aboriginal peoples inhabiting the Hawaiian Islands which exercised sovereignty and subsisted in the Hawaiian Islands in 1778, and which peoples thereafter have continued to reside in Hawaii.
- (6) "Beneficiary of the public trust entrusted upon the office" means native Hawaiians and Hawaiians.

**Sec. -3 Purpose of the Office.** The purposes of the office of Hawaiian affairs include:

- (1) The betterment of conditions of native Hawaiians. A pro rata portion of all the funds derived from the public land trust shall be funded in an amount to be determined by the legislature for this purpose, and shall be held and used solely as a public trust for the betterment of the conditions of native Hawaiians. For the purpose of this chapter, the public land trust shall be all proceeds and income from the sale, lease, or other disposition of lands ceded to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July 7, 1898 (30 Stat. 750), or acquired in exchange for lands so ceded, and conveyed to the State of Hawaii by virtue of section 5(b) of the Act of March 18, 1959 (73 Stat. 4, the Admissions Act), (excluding therefrom lands and all proceeds and income from the sale, lease, or disposition of lands defined as "available lands" by section 203 of the Hawaiian Homes Commission Act, 1920, as amended), and all proceeds and income from the sale, lease, or other disposition of lands retained by the United States under sections 5(c) and 5(d) of the Act of March 18, 1959, later conveyed to the State under section 5(e);
- (2) The betterment of conditions of Hawaiians;
- (3) Serving as the principal public agency in this State responsible for the

performance, development, and coordination of programs and activities relating to native Hawaiians and Hawaiians; except that the Hawaiian Homes Commission Act, 1920, as amended, shall be administered by the Hawaiian homes commission;

- (4) Assessing the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for native Hawaiians and Hawaiians;
- (5) Applying for, receiving, and disbursing, grants and donations from all sources for native Hawaiian and Hawaiian programs and services; and
- (6) Serving as a receptacle for reparations.

**Sec. -4 Office of Hawaiian Affairs; established; general powers.** There shall be an office of Hawaiian affairs constituted as a body corporate which shall be a separate entity independent of the executive branch. The office, under the direction of the board of trustees, shall have the following general powers:

- (1) To adopt, amend, and repeal by-laws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law;
- (2) To acquire in any lawful manner any property, real, personal, or mixed, tangible or intangible, or any interest therein; to hold, maintain, use, and operate the same; and to sell, lease, or otherwise dispose of the same at such time, in such manner, and to the extent necessary or appropriate to carry out its purpose;
- (3) To determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to the office of Hawaiian affairs;
- (4) To enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, or with the State, or with any political subdivision thereof, or with any person, firm, association, or corporation, as may be necessary in the conduct of its business and on such terms as it may deem appropriate;
- (5) To execute, in accordance with its by-laws, all instruments necessary or appropriate in the exercise of any of its powers; and
- (6) To take such actions as may be necessary or appropriate to carry out the powers conferred upon it by law.

**Sec. -5 Board of trustees; powers and duties.** The board shall have the power in accordance with law to:

- (1) Manage, invest, and administer the proceeds from the sale or other disposition of lands, natural resources, minerals, and income derived from whatever sources for native Hawaiians and Hawaiians, including all income and proceeds from that pro rata portion of the trust referred to in section -3, of this chapter;
- (2) Exercise control over real and personal property set aside to the office by the State of Hawaii, the United States of America, or any private sources, and transferred to the office for native Hawaiians and Hawaiians;
- (3) Collect, receive, deposit, withdraw, and invest money and property on

- behalf of the office;
- (4) Formulate policy relating to the affairs of native Hawaiians and Hawaiians, provided that such policy shall not diminish or limit the benefits of native Hawaiians under Article XII, section 4, of the state constitution;
  - (5) Otherwise act as a trustee as provided by law;
  - (6) Delegate to the administrator, its officers and employees such powers and duties as may be proper for the performance of the powers and duties vested in the board;
  - (7) Provide grants to public or private agencies for pilot projects, demonstrations, or both, where such projects or demonstrations fulfill criteria established by the board;
  - (8) Make available technical and financial assistance and advisory services to any agency or private organization for native Hawaiian and Hawaiian programs, and for other functions pertinent to the purposes of the office of Hawaiian affairs. Financial assistance may be rendered through contractual arrangements as may be agreed upon by the board and any such agency or organization; and
  - (9) Adopt and use a common seal by which all official acts shall be authenticated.

**Sec. -6 General duties of the board.** (a) The general duties of the board shall be:

- (1) To develop, implement, and continually update a comprehensive master plan for native Hawaiians and Hawaiians which shall include, but not be limited to, the following:
  - (A) Compilation of basic demographic data on native Hawaiians and Hawaiians;
  - (B) Identification of the physical, sociological, psychological, and economic needs of native Hawaiians and Hawaiians;
  - (C) Establishment of immediate and long-range goals pursuant to programs and services for native Hawaiians and Hawaiians;
  - (D) Establishment of priorities for program implementation and of alternatives for program implementation; and
  - (E) Organization of administrative and program structure, including the use of facilities and personnel;
- (2) To assist in the development of state and county agency plans for native Hawaiian and Hawaiian programs and services;
- (3) To maintain an inventory of federal, state, county, and private programs and services for Hawaiians and native Hawaiians and act as a clearinghouse and referral agency;
- (4) To advise and inform federal, state, and county officials about native Hawaiian and Hawaiian programs, and coordinate federal, state, and county activities relating to native Hawaiians and Hawaiians;
- (5) To conduct, encourage, and maintain research relating to native Hawaiians and Hawaiians;
- (6) To develop and review models for comprehensive native Hawaiian and Hawaiian programs;

- (7) To act as a clearinghouse for applications for federal or state assistance to carry out native Hawaiian or Hawaiian programs or projects;
- (8) To apply for, accept and administer any federal funds made available or allotted under any federal act for native Hawaiians or Hawaiians; and
- (9) To promote and assist the establishment of agencies to serve native Hawaiians and Hawaiians.

(b) The board shall have any powers which may be necessary for the full and effective performance and discharge of the duties imposed by this chapter, and which may be necessary to fully and completely effectuate the purposes of this chapter.

**Sec. -7 Board of trustees.** The office of Hawaiian affairs shall be governed by a board to be officially known as the board of trustees, office of Hawaiian affairs. Members of the board shall be elected in accordance with chapter , with reference to sections 11-15, 11-25, 12-5, 12-6, Hawaii Revised Statutes, and vacancies shall be filled in accordance with section 17-

**Sec. -8 Organization; quorum; meeting.** The board, at its first meeting after an election, shall elect from its own membership a chairperson and a vice-chairperson who shall serve a term of two years. Their election shall be immediately certified by the board to the lieutenant governor.

A majority of all members to which the board is entitled shall constitute a quorum to do business. The concurrence of a majority of all members to which the board is entitled shall be necessary to make any action of the board valid; provided that due notice shall be given to all members.

Meetings shall be called and held at the call of the chair or by a quorum, as often as may be necessary for transaction of the board's business. The board shall meet at least once annually on each of the islands of Hawaii, Maui, Molokai, Lanai, Kauai, and Oahu.

**Sec. -9 Compensation; expense.** Members of the board shall be allowed:

- (1) Compensation at the rate of \$50 a day for each day's actual attendance at meeting;
- (2) Transportation fares between islands; and
- (3) Personal expenses as provided under section 78-15 while attending board meetings on an island other than the island on which their residence is located.

All payments for compensation, travel, and expenses shall be paid by warrants signed by the chairperson of the board.

**Sec. -10 Administrator; appointment, tenure, removal.** The board by a majority vote, shall appoint an administrator who shall serve without regard to the provisions of chapters 76 and 77 for a term to be determined by the board. The board, by a two-thirds vote of all members to which it is entitled, may remove the administrator for cause at any time.

**Sec. -11 Salary of the administrator.** The salary of the administrator shall be \$30,000. The administrator shall be included in any benefit program generally applicable to officers and employees of the State.

**Sec. -12 Assistant; staff.** The administrator may employ and retain such officers and employees as may be necessary, subject to the approval of the board, to

carry out the functions of the office. Such officers and employees may be hired without regard to chapters 76 and 77, and shall serve at the pleasure of the administrator. Officers and employees of the office of Hawaiian affairs shall be included in any benefit program generally applicable to officers and employees of the State.

**Sec. -13 Appropriations; accounts; reports.** Moneys appropriated by the legislature for the office shall be payable by the director of finance, upon vouchers approved by the board, or by any officer elected or appointed by the board and authorized by the board to approve such vouchers on behalf of the board. All moneys received by or on behalf of the board shall be deposited with the director of finance and kept separate from moneys in the state treasury; except that any moneys received from the federal government or from private contributions shall be deposited and accounted for in accordance with conditions established by the agencies or persons from whom the moneys are received; and except that with the concurrence of the director of finance, moneys received from the federal government for research, training, and other related purposes of a transitory nature, and moneys in trust or revolving funds administered by the office, shall be deposited in depositories other than the state treasury. Income derived from the sale of goods or services and income from lands and property as described in section -3, shall be credited to special or other funds; provided that upon the recommendation of the office, the comptroller shall establish such other separate accounts or special funds for other designated revenues as may be directed by the board or its authorized representative.

**Sec. -14 Budget, auditing.** The board shall annually submit a proposed budget for the office to the legislature. The office shall be subject annually to government audit.

**Sec. -15 Annual report.** The board shall prepare and make public their annual report which shall include an enumeration of their activities, income, and expenditures during the year. The annual report shall be submitted to the governor and the legislature ten days prior to the convening of each regular session of the legislature. The board shall prepare and submit special reports as may be required by the legislature.

**Sec. -16 Suits.** (a) The office may sue and be sued in its corporate name. The State shall not be liable for any acts or omissions of the office, its officers, employees, and the members of the board of trustees, except as provided under subsection (b).

(b) In matters of tort, the office, its officers and employees, and the members of the board shall be subject to suit only in the manner provided for suits against the State under chapter 662.

(c) In matters of misapplication of funds and resources in breach of fiduciary duty, board members shall be subject to suit brought by any beneficiary of the public trust entrusted upon the office, either through the office of the attorney general or through private counsel.

(d) In matters involving other forms of remedies, the office, its officers and employees, and the members of the board shall be subject to suit as provided by any other provision of law and by the common law."

SECTION 3. Section 11-1, Hawaii Revised Statutes, is amended by adding a

new definition to be appropriately inserted and to read as follows:

“ ‘Hawaiian’, any descendant of the aboriginal peoples inhabiting the Hawaiian Islands which exercised sovereignty and subsisted in the Hawaiian Islands in 1778, and which peoples thereafter have continued to reside in Hawaii.”

SECTION 4. Section 11-15, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 11-15 Application to register.** (a) Any person qualified to and desiring to register as a voter in any county, may present himself at any time during business hours to the clerk of the county, then and there to be examined under oath as to his qualifications as a voter. Each applicant shall make and subscribe to an application in the form of an affidavit.

The affidavit shall contain the following information:

- (1) Name;
- (2) Social security number;
- (3) Date of birth;
- (4) Residence, including mailing address;
- (5) That the residence stated in the affidavit is not simply because of the person’s presence in the State but that the residence was acquired with the intent to make Hawaii the person’s legal residence with all the accompanying obligations therein;
- (6) That the person is a citizen.

(b) Any person qualified to and desiring to register as a voter for the election of members of the board of trustees of the office of Hawaiian affairs shall make and subscribe to an application in the form of an affidavit which shall state that he is Hawaiian and which shall contain the information required under subsection (a).

(c) The applicant shall swear to the truth of the allegations in his application before the clerk, who is authorized to administer oaths. Unless contested by a qualified voter, the clerk may accept, as prima facie evidence, the allegation of the applicant in information required in the affidavit in item 5 of subsection (a), and the allegation of the applicant that he is Hawaiian required in subsection (b). In any other case where the clerk shall so desire or believe the same to be expedient, he may demand that the applicant furnish substantiating evidence to the allegations of his application.

(d) If the clerk is satisfied that the applicant is entitled to be registered as a voter, the applicant shall then affix his signature to the affidavit and the clerk shall affix his signature; or the clerk shall enter “Unable to sign” and the reason in the space for the applicant’s signature. A voter having once been registered shall not be required to register again for any succeeding election, except as hereinafter provided. The affidavits so approved or accepted by the clerk shall thereupon be numbered appropriately, filed by the clerk and kept in some convenient place so as to be open to public inspection and examination.

(e) The clerk may designate a subordinate or subordinates to act in his place and stead in all matters covered by this section, provided that no parent, spouse, sibling, or offspring of a candidate, nor the candidate, shall be eligible to serve as a subordinate.”

SECTION 5. Section 11-25, Hawaii Revised Statutes, is amended by amend-

ing subsection (b) to read as follows:

“(b) Challenging on election day. Any voter rightfully in the polling place may challenge the right of any person, presenting himself to the precinct officials to vote. The challenge shall be on the grounds that the voter is not the person he alleges himself to be, that the voter is not entitled to vote in that precinct, or in a primary election that the voter is not entitled to vote because he refuses to state his party preference or nonpartisanship except where he desires to vote only for the board of education, or in an election of members of the board of trustees of the office of Hawaiian affairs, that the voter is not Hawaiian. No other or further challenge shall be allowed. The challenge shall be considered and decided immediately by the precinct officials and the ruling announced.”

SECTION 6. Section 12-5, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 12-5 Nomination papers: number of signers.** Nomination papers for candidates for members of Congress, governor, lieutenant governor, and the board of education shall be signed by not less than twenty-five registered voters of the State or of the Congressional district or school board district from which the candidates are running in the case of candidates for the United States House of Representatives or for the board of education.

Nomination papers for candidates for either branch of the legislature and for county office shall be signed by not less than fifteen registered voters of the district or county or subdivision thereof for which the person nominated is a candidate.

Nomination papers for candidates for members of the board of trustees of the office of Hawaiian affairs shall be signed by not less than twenty-five persons registered as prescribed under section 11-15(b).”

SECTION 7. Section 12-6, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 12-6 Nomination papers: time for filing; fees.** Nomination papers shall be filed as follows:

- (1) For members of Congress, state, and county offices, and the board of trustees of the office of Hawaiian affairs, with the chief election officer, or clerk in case of county offices, not later than 4:30 p.m. on the sixtieth calendar day prior to the primary, special primary, or special election (but if such day is a Saturday, Sunday, or holiday then not later than 4:30 p.m. on the first working day immediately preceding); provided that any state candidate from the counties of Hawaii, Maui, and Kauai may file his declaration of candidacy with his respective clerk. The clerk shall transmit to the office of the chief election officer the state candidate's declaration of candidacy without delay. However, if a special primary or special election is to be held by a county and the county charter requires that the council shall issue a proclamation calling for the election to be held within a specified period of time, and if that requirement would not allow the filing of nomination papers with the appropriate office by the sixtieth calendar day prior to the day for holding such primary or special election, the council shall establish the deadline for the filing of nomination papers in the proclamation calling for the election.



- (2) There shall be deposited with each nomination a fee on account of the expenses attending the holding of the primary, special primary, or special election which shall be paid into the treasury of the State, or county, as the case may be, as a realization:
  - (A) For governor, lieutenant governor, United States senators, and United States representatives-\$75;
  - (B) For mayor-\$50; and
  - (C) For all other offices-\$25.
- (3) Upon the receipt by the chief election officer or the clerk of the nomination paper of a candidate, the day, hour, and minute when it was received shall be endorsed thereon.
- (4) The chief election officer or clerk shall waive the filing fee in the case of a person who declares himself, by affidavit, to be indigent and who has filed a petition signed by at least one-half of one per cent of the total voters registered at the time of filing in the respective district or districts which correspond to the specific office for which the indigent person is a candidate. This petition shall be submitted on the form prescribed and provided by the chief election officer together with the nomination paper required by this chapter.”

SECTION 8. Title 2, Hawaii Revised Statutes, is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
BOARD OF TRUSTEES, OFFICE OF HAWAIIAN AFFAIRS**

**Sec. -1 Board of trustees; number; composition.** The board of trustees shall be composed of nine members elected at-large by qualified voters in the state who are Hawaiian. Of the nine members to be elected, one shall reside on the island of Hawaii; one shall reside on the island of Maui; one shall reside on the island of Molokai; one shall reside on the island of Kauai; and one shall reside on the island of Oahu.

**Sec. -2 Qualifications of board members.** No person shall be eligible for election or appointment to the board unless he is qualified and registered to vote under the provisions of section -3 and, where residency on a particular island is a requirement, a resident on the island for which seat he is seeking election or appointment. No member of the board shall hold any other public office under the state or county governments. The term “public office”, for purposes of this section, shall not include notaries public, reserve police officers, or officers of emergency organizations for civilian defense or disaster, or disaster relief.

**Sec. -3 Qualifications of voters; registration.** (a) Every person who registers as required by law shall be entitled to vote at any election of board members provided that he shall have attained the age of eighteen years at the time of the election.

(b) No person shall be eligible to register as a voter for the election of board members unless he meets the following qualifications:

- (1) The person is Hawaiian;

- (2) The person has attained the age of eighteen years or will have attained such age within one year of the date of the next election of board members; and  
 (3) The person is otherwise qualified to register to vote in the State.

(c) Any person eligible to and desiring to register as a voter for the election of board members shall present himself at any location designated by the clerk of the county, then and there to be examined under oath as to his qualifications as a voter. Each applicant shall make and subscribe to an application in the form of an affidavit as provided for under section 11-15.

(d) The clerk of each county shall register all persons in his county who are eligible to and desiring to register as voters for the election of board members. The register may be maintained in conjunction with the general county register; provided that the clerk shall be able to prepare a separate list of voters for the election of board members, capable of segregation by precinct and representative district. The maintenance, reproduction and transmittal of records and affidavits to a central file shall be in accordance with section 11-14.

**Sec. -4 Election of board members.** Members of the board of trustees shall be elected at a special election held in conjunction with the general election in every even numbered year. Except as otherwise provided by this chapter, members shall be nominated and elected in the manner prescribed by this title.

(a) Nomination papers. The chief election officer shall prepare the nomination papers in such a manner that a candidate desiring to file for election to the board shall be able to specify whether he is seeking a seat requiring residency on a particular island or a seat without such residency requirement.

(b) Ballot. The board of trustees ballot shall be prepared in such a manner that every voter qualified and registered under section -3 shall be afforded the opportunity to vote for each and every candidate seeking election to the board. The ballot shall contain the names of all board candidates arranged alphabetically; provided that the names of candidates seeking seats requiring residency on a particular island shall also be grouped by island of residency. Each eligible voter shall be entitled to receive the board of trustees ballot and to vote for the number of seats available.

**Sec. -5 Term of office; vacancies.** The term of office of members of the board shall be four years beginning on the day of the general election of the year in which they are elected and ending on the day of the second general election after their election; except that the term of office of board members elected in 1980 shall be as follows: the four board members elected with the highest number of votes shall serve four years; the remaining members elected shall serve two years. Members of the board may be re-elected without restriction as to the number of terms.

Any vacancy that may occur through any cause other than the expiration of the term of office shall be filled in accordance with section 17- .”

SECTION 9. Chapter 17, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**Sec. 17- Board of trustees, office of Hawaiian affairs.** (a) Whenever any vacancy in the membership of the board of trustees occurs, the term of which ends at the next succeeding general election, the vacancy shall be filled by a two-thirds vote

of the remaining members of the board. If the board fails to fill the vacancy within sixty days after it occurs, the governor shall fill the vacancy within ninety days after the vacancy occurs. The person so appointed shall reside on the island from which the vacancy occurred, and shall serve for the duration of the unexpired term.

(b) In the case of a vacancy, the term of which does not end at the next succeeding general election:

(1) If it occurs not later than on the tenth day prior to the next succeeding general election, the vacancy shall be filled for the unexpired term at the next succeeding general election. The chief election officer shall issue a proclamation designating the election for filling the vacancy. All candidates for the unexpired term shall be elected in accordance with this title. Pending the election, the board or the governor shall make a temporary appointment to fill the vacancy in the manner prescribed under subsection (a). The person so appointed shall reside on the island from which the vacancy occurred, and shall serve until the election of the person duly elected to fill such vacancy.

(2) If it occurs after the tenth day prior to the next succeeding general election, the board or the governor shall make an appointment to fill the vacancy in the manner prescribed under subsection (a). The person so appointed shall reside on the island from which the vacancy occurred, and shall serve for the duration of the unexpired term.

(c) All appointments made by the board or the governor under this section shall be made without consideration of the appointee's party preference or nonpartisanship."

SECTION 10. There is appropriated out of the general revenues of the State of Hawaii the sum of \$125,000, or so much thereof as may be necessary, to be expended in fiscal year 1980-81 by the office of Hawaiian affairs for the purposes of this Act.

There is appropriated out of the general revenues of the State of Hawaii the sum of \$105,000, or so much thereof as may be necessary, to be expended in fiscal year 1979-80 and the sum of \$65,000, or so much thereof as may be necessary, to be expended in fiscal year 1980-81 by the office of the lieutenant governor to conduct the election of board members in 1980, and to reimburse the counties for the work of the clerks under section 8 of this Act.

Any unexpended or unencumbered balance of any appropriation made by this Act as of the close of business on June 30, 1981 shall lapse into the general fund.

SECTION 11. 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 this Act which can be given effect without the invalid provision or application, and to this end the provisions of the Act are severable.

SECTION 12. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 13. This Act shall take effect upon its approval.

(Approved June 7, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

## ACT 197

S.B. NO. 1591

A Bill for an Act Relating to Environmental Quality Commission and Environmental Impact Statements.

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

SECTION 1. Chapter 343, Hawaii Revised Statutes, is amended as follows:

1. A new section is added to read:

**“Sec. 343-1 Findings and purpose.** The legislature finds that the quality of humanity’s environment is critical to humanity’s well being, that humanity’s activities have broad and profound effects upon the interrelations of all components of the environment, and that an environmental review process will integrate the review of environmental concerns with existing planning processes of the State and counties and alert decision makers to significant environmental effects which may result from the implementation of certain actions. The legislature further finds that the process of reviewing environmental effects is desirable because environmental consciousness is enhanced, cooperation and coordination are encouraged, and public participation during the review process benefits all parties involved and society as a whole.

It is the purpose of this chapter to establish a system of environmental review at the state and county levels which will ensure that environmental concerns are given appropriate consideration in decision making along with economic and technical considerations.”

2. Section 343-1 is renumbered section 343-2 and is amended to read:

**“Sec. 343-2 Definitions.** As used in this chapter unless the context otherwise requires:

- (1) “Acceptance” means a formal determination that the document required to be filed pursuant to section 343-5 fulfills the definition of an environmental impact statement, adequately describes identifiable environmental impacts, and satisfactorily responds to comments received during the review of the statement.
- (2) “Action” means any program or project to be initiated by any agency or applicant.
- (3) “Agency” means any department, office, board, or commission of the state or county government which is a part of the executive branch of that government.
- (4) “Applicant” means any person that, pursuant to statute, ordinance, rule, or regulation, officially requests approval for a proposed action.
- (5) “Approval” means a discretionary consent required from an agency prior to actual implementation of an action.
- (6) “Commission” means the environmental quality commission.
- (7) “Discretionary consent” means a consent, sanction, or recommendation from an agency for which judgment and free will may be exercised by the issuing agency, as distinguished from a ministerial consent.
- (8) “Environmental assessment” means a written evaluation to determine whether an action may have a significant environmental effect.
- (9) “Environmental impact statement” or “statement” means an informa-

tional document prepared in compliance with the rules and regulations promulgated under section 343-6 and which discloses the environmental effects of a proposed action, effects of a proposed action on the economic and social welfare of the community and State, effects of the economic activities arising out of the proposed action, measures proposed to minimize adverse effects, and alternatives to the action and their environmental effects.

- (10) "Person" includes any individual, partnership, firm, association, trust, estate, private corporation, or other legal entity other than agencies.
- (11) "Significant effect" means the sum of effects on the quality of the environment, including actions that irrevocably commit a natural resource, curtail the range of beneficial uses of the environment, are contrary to the State's environmental policies or long-term environmental goals as established by law, or adversely affect the economic or social welfare."

3. Section 343-2 is renumbered section 343-3.

4. Section 343-3 is renumbered section 343-4.

5. Section 343-4 is renumbered section 343-5 and is amended by amending subsections (a) to (c) to read:

"(a) Except as otherwise provided, an environmental assessment shall be required for actions which:

- (1) Propose the use of state or county lands or the use of state or county funds, other than funds to be used for feasibility or planning studies for possible future programs or projects which the agency has not approved, adopted, or funded, provided that the agency shall consider environmental factors and available alternatives in its feasibility or planning studies.
- (2) Propose any use within any land classified as conservation district by the state land use commission under chapter 205.
- (3) Propose any use within the shoreline area as defined in section 205-31.
- (4) Propose any use within any historic site as designated in the National Register or Hawaii Register as provided for in the Historic Preservation Act of 1966, Public Law 89-665, or chapter 6E.
- (5) Propose any use within the Waikiki-Diamond Head area of Oahu, the boundaries of which are delineated on the development plan for the Kalia, Waikiki, and Diamond Head areas (map designated as portion of 1967 city and county of Honolulu General Plan Development Plan Waikiki-Diamond Head Section A).
- (6) Propose any amendments to existing county general plans where such amendment would result in designations other than agriculture, conservation, or preservation except actions proposing any new county general plan or amendments to any existing county general plan initiated by a county.

(b) Whenever an agency proposes an action which falls within the categories in subsection (a), other than feasibility or planning studies for possible future programs or projects which the agency has not approved, adopted, or funded, which is not included in any of the specific types of actions referred to in section 343-6, that agency shall prepare an environmental assessment for such action at the earliest practicable time to determine whether an environmental impact statement shall be required. A statement shall be required if the agency finds that the proposed action

may have a significant effect on the environment. The agency shall file notice of such determination with the commission which shall, in turn, publish the agency determination for the public's information pursuant to section 343-3. The statement, if required, shall be made available for public review and comment through the commission. The commission shall inform the public of the availability of the statement for public review and comments pursuant to section 343-3. The agency shall respond in writing to comments received during the review. Following this review by the public and any subsequent revision by the agency, the commission, when requested by the agency, may make a recommendation as to the acceptability of the statement. The final authority to accept such a statement shall rest with:

- (1) The governor, or his authorized representative, whenever an action proposes the use of state lands or the use of state funds or, whenever a state agency proposes an action within the categories in subsection (a); or
- (2) The mayor, or his authorized representative, of the respective county whenever an action proposes only the use of county lands or county funds.

Acceptance of a required statement shall be a condition precedent to implementation of the proposed action. Upon acceptance or nonacceptance of the statement, the governor or mayor, or his authorized representative, shall file notice of such determination with the commission. The commission shall, in turn, publish the determination of acceptance or nonacceptance of the statement pursuant to section 343-3.

(c) Whenever an applicant proposes an action specified by subsection (a) which requires approval of an agency, and which is not included in any of the specific types of actions referred to in section 343-6, the agency receiving the request for approval shall prepare an assessment of such proposed action at the earliest practicable time to determine whether an environmental impact statement shall be required. A statement shall be required if the agency finds that the proposed action may have a significant effect on the environment. The agency shall file notice of such determination with the commission which shall, in turn, publish the agency determination for the public's information pursuant to section 343-3. The statement, if required, shall be prepared by the applicant who shall file the statement with the agency. The statement shall be made available for public review and comments through the commission. The commission shall inform the public of the availability of the statement for public review and comments pursuant to section 343-3. The applicant shall respond in writing to comments received during the review. Following the review by the public and any subsequent revision by the applicant, the commission, when requested by the applicant or agency, may make a recommendation as to the acceptability of the statement. The authority to accept such statement shall rest with the agency receiving the request for approval. Acceptance of a required statement shall be a condition precedent to approval of the request and commencement of the proposed action. Upon acceptance or nonacceptance of the statement, the agency shall file notice of such determination with the commission. The commission shall, in turn, publish the determination of acceptance or nonacceptance of the statement pursuant to section 343-3. The agency receiving the request shall, within sixty days of receipt of the statement, notify the applicant and the commission of the acceptance or nonacceptance of the statement. The statement shall be deemed to be accepted if the agency fails to accept or not accept the statement within sixty days after receipt of the statement; provided that the sixty day period may be extended at the request of the

applicant for a period not to exceed thirty days.

In any acceptance or nonacceptance, the agency shall provide the applicant with the specific findings and reasons for its determination. An applicant may, within sixty days after nonacceptance of a statement by an agency, appeal the nonacceptance to the environmental quality commission, which shall, within thirty days of receipt of the appeal, notify the applicant of its determination. In any affirmation or reversal of an appealed nonacceptance, the commission shall provide the applicant and agency with specific findings and reasons for its determination. The agency shall abide by the commission's decision."

6. By amending subsections (f) and (g) of section 343-4 to read:

"(f) Whenever an action is subject to both the National Environmental Policy Act of 1969 (Public Law 91-190) and the requirements of this chapter, agencies shall cooperate with federal agencies to the fullest extent possible to reduce duplication between federal and state requirements. Such cooperation shall to the fullest extent possible include joint environmental impact statements with concurrent public review and processing at both levels of government. Where federal law has environmental impact statement requirements in addition to but not in conflict with this chapter, agencies shall cooperate in fulfilling these requirements so that one document shall comply with all applicable laws.

(g) A statement that is accepted with respect to a particular action shall satisfy the requirements of this chapter and no other statement for that proposed action shall be required."

7. Section 343-5 is renumbered section 343-6 and is amended to read:

"**Sec. 343-6 Rules and regulations.** After consultation with the affected agencies, the commission shall make, amend, and repeal rules and regulations to implement the provisions of this chapter. The adoption, amendment, and repeal of all rules and regulations shall be subject to chapter 91. At least one public hearing shall be held in each county prior to the final adoption, amendment, or repeal of such rules and regulations. The rules and regulations shall:

- (1) Prescribe the contents of an environmental impact statement;
- (2) Prescribe procedures whereby a group of proposed actions may be treated by a single statement;
- (3) Prescribe procedures for the submission, distribution, review, and acceptance or nonacceptance of a statement;
- (4) Prescribe procedures for the applicant to appeal the nonacceptance of a statement to the environmental quality commission;
- (5) Establish criteria to determine whether a statement is acceptable or not;
- (6) Establish procedures whereby specific types of actions, because they will probably have minimal or no significant effects on the environment, are declared exempt from the preparation of an assessment;
- (7) Prescribe procedures for informing the public of determinations that a statement is either required or not required under section 343-5(b) and (c), and for informing the public of the availability of statements for review and comments, and for informing the public of the acceptance or nonacceptance of the statement."

8. Section 343-6 is renumbered section 343-7 and amended to read:

**“Sec. 343-7 Limitation of actions.** (a) Any judicial proceeding, the subject of which is the lack of assessment required under section 343-5, shall be initiated within 120 days of the agency’s decision to carry out or approve the action, or if a proposed action is undertaken without a formal determination by the agency that a statement is or is not required, a judicial proceeding shall be instituted within 120 days after the proposed action is started. The commission, any agency responsible for approval of the action, or the applicant shall be adjudged an aggrieved party for the purposes of bringing judicial action under this subsection. Others may, by court action, be adjudged aggrieved.

(b) Any judicial proceeding, the subject of which is the determination that a statement is or is not required for a proposed action, shall be initiated within sixty days after the public has been informed of such determination pursuant to section 343-3. The commission or the applicant shall be adjudged an aggrieved party for the purposes of bringing judicial action under this subsection. Others may, by court action, be adjudged aggrieved.

(c) Any judicial proceeding, the subject of which is the acceptance of an environmental impact statement required under section 343-5, shall be initiated within sixty days after the public has been informed pursuant to section 343-3 of the acceptance of such statement. The commission shall be adjudged an aggrieved party for the purpose of bringing judicial action under this subsection. Affected agencies and persons who provided written comment to such statement during the designated review period shall be adjudged aggrieved parties for the purpose of bringing judicial action under this subsection; provided that the contestable issues shall be limited to issues identified and discussed in the written comment.”

9. Section 343-7 is renumbered section 343-8.

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 3. This Act shall take effect upon its approval, but is not retroactive and shall not apply to those actions which have received approvals from appropriate agencies authorized to approve actions covered by this Act.

(Approved June 8, 1979.)

ACT 198

H.B. NO.177

A Bill for an Act Relating to Consumer Protection

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

SECTION 1. Chapter 487, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“Sec. 487- Injunction.** The director of the office of consumer protection shall be authorized to bring civil proceedings to enjoin any violation of section 487-13(a).”

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.



SECTION 2. New statutory material is underscored.\*

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

(Approved June 8, 1979.)

ACT 199

H.B. NO. 1215

A Bill for an Act to Amend Section 46-6, Hawaii Revised Statutes, Relating to Parks and Playgrounds for Subdivisions.

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

SECTION 1. Section 46-6, Hawaii Revised Statutes, is hereby amended to read as follows:

**“Sec. 46-6 Parks and playgrounds for subdivisions.** (a) Except as hereinafter provided, each county shall adopt ordinances to require a subdivider, as a condition to approval of a subdivision to provide land in perpetuity or to dedicate land for park and playground purposes, for the use of purchasers or occupants of lots or units in subdivisions. The ordinances may prescribe the instances when land shall be provided in perpetuity or dedicated, the area, location, grade, and other state of the sites so required to be provided or dedicated. In addition thereto, such ordinances may prescribe penalties or other remedies for violation of such ordinances.

(b) In lieu of providing land in perpetuity or dedicating land, the ordinances may permit a subdivider pursuant to terms and conditions set forth therein to:

- (1) Pay to the county a sum of money deemed adequate by the county to purchase the park land he would otherwise have had to provide or dedicate; or
- (2) Combine the payment of money with land to be provided or dedicated, the value of such combination to be as deemed adequate by the county to purchase the total amount of land he would otherwise have had to provide or dedicate.

The method of determining such full or partial payment shall be prescribed by the ordinances. The ordinances shall also provide that such money shall be used for the purpose of providing parks and playgrounds for the use of purchasers or occupants of lots or units in the subdivision. Each county may establish by ordinance a time limit within which it must spend the park dedication fees it has collected.

(c) Pursuant to terms, conditions, and limitations specified by the ordinances, a subdivider shall receive credit:

- (1) For privately-owned and maintained parks and playgrounds;
- (2) For lands dedicated or provided for park and playground purposes prior to the effective date of the ordinances.

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

(d) Upon the provision of land in perpetuity or the dedication of land by the subdivider as may be required under this section, the county concerned shall thereafter assume the cost of improvements and their maintenance, and the subdivider shall accordingly be relieved from such costs.

(e) The ordinances adopted pursuant to this section may provide, where special circumstances, conditions, and needs within the respective counties so warrant, for such exemptions and exclusions as the councils of the respective counties may deem necessary or appropriate and may also prescribe the extent to and the circumstances under which the requirements therein shall or shall not be applicable to subdivisions.

(f) For purposes of this section certain terms used herein shall be defined as follows:

- (1) "Approval" means the final approval granted to a proposed subdivision where the actual division of land into smaller parcels is sought, provided that where construction of a building or buildings is proposed without further subdividing an existing parcel of land, the term "approval" shall refer to the issuance of the building permit.
- (2) "Dwelling unit" means a room or rooms connected together, constituting an independent housekeeping unit for a family and containing a single kitchen.
- (3) "Lodging unit" means a room or rooms connected together, constituting an independent housekeeping unit for a family which does not contain any kitchen.
- (4) "Parks and playgrounds" mean areas used for active or passive recreational pursuits.
- (5) "Subdivider" means any person who divides land as specified under the definition of subdivision or who constructs a building or group of buildings containing or divided into three or more dwelling units or lodging units.
- (6) "Subdivision" means the division of improved or unimproved land into two or more lots, parcels, sites, or other divisions of land and for the purpose, whether immediate or future, of sale, lease, rental, transfer of title to, or interest in, any or all such lots, parcels, sites, or division of land. The term includes resubdivision, and when appropriate to the context, shall relate to the land subdivided. The term also includes a building or group of buildings, other than a hotel, containing or divided into three or more dwelling units or lodging units.
- (7) "Privately owned parks and playgrounds" mean parks or playgrounds and their facilities which are not provided in perpetuity or dedicated but which are owned and maintained by or on behalf of the ultimate users of the subdivision pursuant to recorded restrictive covenants. Where the privately owned park is a part of the lot or lots on which a building or group of buildings containing or divided into three or more dwelling units or lodging units is constructed, it shall not be required that the private park or playground meet county subdivision standards nor shall the area of the private park or playground be deducted from the area of the lot or lots for purposes of zoning or building requirements."

SECTION 2. Statutory material to be repealed is bracketed. New material is

underscored.\*

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

(Approved June 8, 1979.)

ACT 200

H.B. NO.1642

A Bill for an Act Relating to Coastal Zone Management.

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

SECTION 1. Section 205A-1, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 205A-1 Definitions. As used in this chapter, unless the context otherwise requires:

- (1) “Agency” means any agency, board, commission, department, or officer of a county government or the state government, including the authority as defined in part II;
- (2) “Coastal zone management area” means the special management area after compliance pursuant to section 205A-23 of this chapter, and the waters from the shoreline to the seaward limit of the State’s jurisdiction and any other area which the head agency may designate for the purpose of administering the coastal zone management program;
- (3) “Coastal zone management program” means the comprehensive statement in words, maps, or other permanent media of communication, prepared, approved for submission, and amended by the State and approved by the United States government pursuant to Public Law No. 92-583, as amended, and the federal regulations adopted pursuant thereto, which describes objectives, policies, laws, standards, and procedures to guide and regulate public and private uses in the coastal zone management area, provided however the “coastal zone management program” is consistent with the intent, purpose, and provisions of this chapter;
- (4) “Land” means the earth, water, and air above, below, or on the surface;
- (5) “Lead agency” means the department of planning and economic development;
- (6) “Person” means an individual, corporation, or partnership, and an organization or association, whether or not incorporated;
- (7) “Shoreline” means the upper reaches of the wash of the waves, other than storm and tidal waves, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the wash of the waves.”

SECTION 2. Section 205A-3, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 205A-3 Lead agency. The lead agency shall:

- (1) Receive, disburse, use, expend, and account for all funds that are made

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

- available by the United States and the State for the coastal zone management program;
- (2) Provide support and assistance in the administration of the coastal zone management program;
  - (3) Review federal programs, permits, licenses and development proposals for consistency with the coastal zone management program;
  - (4) In consultation with the counties and the general public prepare guidelines as necessary to further specify and clarify the objectives and policies of the chapter to be submitted twenty days prior to the convening of any regular session of the legislature for review, modification or enactment by the legislature;
  - (5) Conduct a continuing review of the administration of the coastal zone management program and of the compliance of state and county agencies;
  - (6) Facilitate public participation in the coastal zone management program;
  - (7) Review state programs within the coastal zone management area from the shoreline to the seaward limit of the State's jurisdiction for consistency with the coastal zone management program; and
  - (8) Prepare an annual report to the governor and the legislature which shall include recommendations for enactment of any legislation necessary to require any agency to comply with the objectives and policies of this chapter and any guidelines enacted by the legislature."

SECTION 3. Section 205A-4, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 205A-4 Implementation of objectives, policies, and guidelines.** (a) In implementing the objectives of the coastal zone management program full consideration shall be given to ecological, cultural, historic, and esthetic values as well as to needs for economic development.

(b) The objectives and policies of this chapter and any guidelines enacted by the legislature shall be binding upon actions within the coastal zone management area by all agencies."

SECTION 4. Section 205A-5, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 205A-5 Compliance.** All agencies shall amend their regulations, as may be necessary, to comply with the objectives and policies of this chapter and any guidelines enacted by the legislature."

SECTION 5. Section 205A-6, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 205A-6 Cause of action.** (a) Subject to chapters 661 and 662, any person or agency may commence a civil action alleging that any agency:

- (1) Is not in compliance with one or more of the objectives, policies, and guidelines provided or authorized by this chapter within the special management area and the waters from the shoreline to the seaward limit of the State's jurisdiction; or
- (2) Has failed to perform any act or duty required to be performed under this chapter; or

(3) In exercising any duty required to be performed under this chapter, has not complied with the provisions of this chapter.

(b) In any action brought under this section, the lead agency, if not a party, may intervene as a matter of right.

(c) A court, in any action brought under this section, shall have jurisdiction to provide any relief as may be appropriate, including a temporary restraining order or preliminary injunction.

(d) Any action brought under this section shall be commenced within sixty days of the act which is the basis of the action.

(e) Nothing in this section shall restrict any right that any person may have to assert any other claim or bring any other action."

SECTION 6. Part II of chapter 205A, Hawaii Revised Statutes, is amended by amending its title to read as follows:

**"PART II. SPECIAL MANAGEMENT AREAS"**

SECTION 7. Section 205A-22, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 205A-22 Definitions.** As used in this part, unless the context otherwise requires:

- (1) "Applicant" means any individual, organization, partnership, or corporation, including any utility, and any agency of government.
- (2) "Authority" means the county planning commission, except in counties where the county planning commission is advisory only, in which case "authority" means the county council or such body as the council may by ordinance designate. The authority may, as appropriate, delegate the responsibility for administering this part.
- (3) "Development" means any of the uses, activities, or operations on land; in or under water, within the special management area that are included below, but not those uses, activities, or operations excluded in paragraph (B):
  - (A) "Development" includes the following:
    - (i) The placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste;
    - (ii) Grading, removing, dredging, mining, or extraction of any materials;
    - (iii) Change in the density or intensity of use of land, including but not limited to the division or subdivision of land;
    - (iv) Change in the intensity of use of water, ecology related thereto, or of access thereto; and
    - (v) Construction, reconstruction, demolition, or alteration of the size of any structure.
  - (B) "Development" does not include the following:
    - (i) Construction of a single-family residence that is not part of a larger development;
    - (ii) Repair or maintenance of roads and highways within existing rights-of-way;

- (iii) Routine maintenance dredging of existing streams, channels, and drainage ways;
  - (iv) The repair and maintenance of underground utility lines, including but not limited to water, sewer, power, and telephone and minor appurtenant structures such as pad mounted transformers and sewer pump stations;
  - (v) Zoning variances, except for height, density, parking, and shoreline setback;
  - (vi) Repair, maintenance, or interior alterations to existing structures;
  - (vii) Demolition or removal of structures, except those structures located on any historic site as designated in national or state registers;
  - (viii) The use of any land for the purpose of cultivating, planting, growing, and harvesting of plants, crops, trees, and other agricultural, horticultural, or forestry products or animal husbandry, or aquaculture or mariculture of plants or animals, or other agricultural purposes subject to review by the authority in accordance with paragraph (c);
  - (ix) The transfer of title to land;
  - (x) The creation or termination of easements, covenants, or other rights in structures or land; and
  - (xi) The subdivision of land into lots greater than twenty acres in size.
- (C) Whenever the authority finds that any use, activity, or operation excluded in paragraph (B) is or may become part of a larger project, the cumulative impact of which may have a significant environmental or ecological effect on the special management area, that use, activity, or operation shall be defined as "development" for the purpose of this part.
- (4) "Special management area" means the land extending inland from the shoreline as delineated on the maps filed with the authority as of June 8, 1977 or as amended pursuant to section 205A-23.
  - (5) "Special management area emergency permit" means an action by the authority authorizing development in cases of emergency requiring immediate action to prevent substantial physical harm to persons or property.
  - (6) "Special management area minor permit" means an action by the authority authorizing development, the total cost or fair market value of which is not in excess of \$25,000 and which has no substantial adverse environmental or ecological effect, taking into account potential cumulative effects.
  - (7) "Special management area use permit" means an action by the authority authorizing development, the total cost or fair market value of which exceeds \$25,000 or which may have a substantial adverse environmental or ecological effect, taking into account potential cumulative effects.
  - (8) "Structure" includes, but is not limited to any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line."

SECTION 8. Section 205A-23, Hawaii Revised Statutes, is amended to read:

**“Sec. 205A-23 County special management area boundaries.** (a) The special management area in each county shall be as shown on such maps filed with the authority as of June 8, 1977.

(b) On or before December 31, 1979, the authority shall review and pursuant to chapter 91, amend as necessary its special management area boundaries, to further the objectives and policies of this chapter, provided that any contraction of the special management area boundaries as provided for in paragraph (a), shall be subject to lead agency review and determination as to compliance with the objectives and policies of this chapter and any guidelines enacted by the legislature. Copies of the existing and amended maps shall be filed with the authority and the lead agency.

(c) Nothing in this chapter shall preclude the authority from amending its special management area boundary at any point in time; provided that the procedures and requirements outlined in paragraph (b) shall be complied with and provided further that any future special management area boundary adjustments shall be restricted to the coastal zone management area.”

SECTION 9. Section 205A-26, Hawaii Revised Statutes, is amended to read:

**“Sec. 205A-26 Special management area guidelines.** In implementing this part, the authority shall adopt the following guidelines for the review of developments proposed in the special management area:

- (1) All development in the special management area shall be subject to reasonable terms and conditions set by the authority in order to ensure:
  - (A) Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas, and natural reserves is provided to the extent consistent with sound conservation principles.
  - (B) Adequate and properly located public recreation areas and wildlife preserves are reserved.
  - (C) Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon special management area resources.
  - (D) Alterations to existing land forms and vegetation, except crops, and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake.
- (2) No development shall be approved unless the authority has first found:
  - (A) That the development will not have any substantial adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effects shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect, and the elimination of planning options; and
  - (B) That the development is consistent with the objectives, policies, and special management area guidelines of this chapter and any guidelines

enacted by the legislature.

- (C) That the development is consistent with the county general plan, zoning and subdivision codes and other applicable ordinances.
- (3) The authority shall seek to minimize, where reasonable:
  - (A) Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough, or lagoon.
  - (B) Any development which would reduce the size of any beach or other area usable for public recreation.
  - (C) Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the special management areas and the mean high tide line where there is no beach.
  - (D) Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast.
  - (E) Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land.”

SECTION 10. Section 205A-27, Hawaii Revised Statutes, is amended to read:

“**Sec. 205A-27 Designation of special management area authority.** The authority is designated the special management area authority and is authorized to carry out the objectives, policies and procedures of this part.”

SECTION 11. Section 205A-28, Hawaii Revised Statutes, is amended to read:

“**Sec. 205A-28 Permit required for development.** No development shall be allowed in any county within the special management area without obtaining a permit in accordance with this part.”

SECTION 12. Section 205A-29, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 205A-29 Special management area use permit procedure.** (a) The authority in each county, upon consultation with the Central Coordinating Agency, shall establish and may amend pursuant to chapter 91, by rule or regulation the special management area use permit application procedures, conditions under which hearings must be held, and the time periods within which the hearing and action for special management area use permits shall occur. The authority shall provide for adequate notice to individuals whose property rights may be adversely affected and to persons who have requested in writing to be notified of special management area use permit hearings or applications. The authority shall also provide written public notice once in a newspaper of general circulation in the State at least twenty days in advance of the hearing. The authority may require a reasonable filing fee which shall be used for the purposes set forth herein.

Any rule or regulation adopted by the authority shall be consistent with the objectives, policies and special management area guidelines provided in this chapter. Action on the special management permit shall be final unless otherwise mandated by court order.



(b) No agency authorized to issue permits pertaining to any development within the special management area shall authorize any development unless approval is first received in accordance with the procedures adopted pursuant to this part. For the purposes of this subsection, county general plan, state land use district boundary amendments, and zoning changes are not permits.”

SECTION 13. Section 205A-30, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 205A-30 Emergency and minor permits.** Each county authority shall provide specific procedures consistent with this part for the issuance of special management area emergency permits or special management area minor permits, pursuant to the procedural requirements within this part, and judicial review from the grant and denial thereof.”

SECTION 14. Section 205A-31, Hawaii Revised Statutes, is repealed.

SECTION 15. Chapter 205A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**Sec. 205A- Injunctions.** Any person violating any provision of this chapter may be enjoined by the circuit court of the State by mandatory or restraining order necessary or proper to effectuate the purposes of this chapter in a suit brought by the authority or the lead agency.”

SECTION 16. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 17. This Act shall take effect upon its approval.

(Approved June 8, 1979.)

ACT 201

S.B. NO. 599

A Bill for an Act Relating to the Penal Code.

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

SECTION 1. Section 708-814, Hawaii Revised Statutes, to be amended to read as follows:

“**Sec. 708-814 Criminal trespass in the second degree.** (1) A person commits the offense of criminal trespass in the second degree if:

- (a) He knowingly enters or remains unlawfully in or upon premises which are enclosed in a manner designed to exclude intruders or are fenced; or
- (b) He enters or remains unlawfully in or upon the premises of any school, as defined pursuant to section 297-1, after reasonable warning or request to leave by school authorities or police officer.
- (c) He enters or remains unlawfully in or upon commercial premises after reasonable warning or request to leave by the owner or lessee of the commercial premises or his authorized agent or police officer; provided

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

that this subparagraph shall not apply to any conduct or activity subject to regulation by the National Labor Relations Act.”

SECTION 2. New statutory material is underscored.\*

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

(Approved June 8, 1979.)

## ACT 202

S.B. NO. 1230

A Bill for an Act Relating to Sentencing.

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

SECTION 1. The purpose of this bill is to help curtail the increasing rate of shoplifting, which presently takes approximately \$25,000,000 to \$35,000,000 from businesses in the State of Hawaii annually.

SECTION 2. Chapter 708, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**Sec. 708- Shoplifting.** (1) A person convicted of committing the offense of shoplifting as defined in section 708-830 shall be sentenced as follows:

- (a) In cases involving property or properties the value or aggregate value of which exceeds \$200: as a class C felony, provided that the minimum fine shall be the lesser of \$5,000 or four times the value or aggregate value involved;
- (b) In cases involving property or properties the value or aggregate value of which exceeds \$50: as a misdemeanor, provided that the minimum fine shall be three times the value or aggregate value involved;
- (c) In cases involving property or properties the value or aggregate value of which is \$50 or less: as a petty misdemeanor, provided that the minimum fine shall be twice the value or aggregate value involved;

provided, however, that a defendant not in contumacious default in the payment of a fine may, instead of the mandatory minimum fines, be ordered to report to the comptroller of the department of accounting and general services to clean public buildings; the director of the department of transportation to pick up and remove litter along public highways; or the office of the chairman of the board of land and natural resources to pick up and remove litter from public parks or to perform services for the community, as the court shall provide. A defendant ordered to perform such services shall be ordered to work for a specific number of hours. This work will be certified to the court by the department involved.”

SECTION 3. New statutory material is underscored.\*

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

(Approved June 8, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

A Bill for an Act Relating to the Preparation of Certificates of Birth for Adopted Children Born in a Foreign Country.

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

SECTION 1. Section 338-17.7, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 338-17.7 Establishment of new certificates of birth, when.** (a) The director of health shall establish a new birth certificate for a person born in this State upon receipt of a certified copy of a court determination of paternity together with a request from the natural mother or person having legal custody of the child that such new certificate be prepared. The surname of the child shall be that of the mother unless the decree or request provided otherwise.

(b) A new certificate of birth shall be prepared by the director of health for a child or children legitimated as provided in section 338-21.

(c) A new certificate of birth shall be prepared by the director of health for a child or children born in a foreign country upon compliance with section 338-

(d) A new certificate of birth shall be prepared by the director of health for a person born in the State upon receipt of an affidavit by a physician that he has examined the person and has found that the sex item on the person’s birth certificate was entered incorrectly.

(e) A new certificate of birth shall be prepared by the director of health for a person born in the State upon receipt of an affidavit by a physician that he has performed an operation on the person and that by reason of the operation the sex designation on such person’s birth record should be changed. The director of health may make a further investigation or require any further information he deems necessary.

(f) When a new certificate of birth is established under this section, it shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence supporting the preparation of the new certificate shall be sealed and filed. Such sealed document shall be opened only by an order of a court of record.”

SECTION 2. Section 338-20, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 338-20 Adoption; persons born within the State.** (a) In case of the adoption of any person born in the State, the department of health, upon receipt of a properly certified copy of the adoption decree, or certified abstract thereof on a form approved by the department, shall prepare a supplementary certificate in the name of the adopted person, as fixed or changed by the decree, and seal and file the original certificate of birth with the certified copy attached thereto.

(b) Any certified copy of final decree of adoption, or abstract thereof, of persons born in the State, rendered by courts of other states and territories subject to the jurisdiction of the United States or a foreign country, shall be considered properly certified when attested by the clerk of the court in which it was rendered with the seal of the court annexed, if there be a seal, together with a certificate of the presiding judge, chancellor, or magistrate that the attestation is in due form.

(c) If no original certificate of birth shall be on file with the department, the department may require such evidence as it deems necessary to establish the facts of birth before preparing a supplementary certificate in the new name of the adopted person; provided, that no such certificate shall be filed unless it shall be satisfactorily established that the adopted person was born in the State.

(d) Such sealed documents may be opened by the department only by an order of a court of record. Upon receipt of a certified copy of a court order setting aside a decree of adoption, the department shall restore the original certificate to its original place in the files.”

SECTION 3. Chapter 338, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“Sec. 338- Adoption; foreign born persons.** (a) The department of health shall establish a Hawaii certificate of birth for a person born in a foreign country and for whom a final decree of adoption has been entered in a court of competent jurisdiction in Hawaii, when it receives the following:

- (1) A properly certified copy of the adoption decree, or certified abstract thereof on a form approved by the department; and
- (2) A copy of any investigatory report and recommendation which may have been prepared by the director of social services; and
- (3) A report on a form to be approved by the department of health setting forth the following:
  - (A) Date of assumption of custody;
  - (B) Sex;
  - (C) Color or race;
  - (D) Approximate age of child;
  - (E) Name and address of the person or persons adopting said child;
  - (F) Name given to child by adoptive parent or parents;
  - (G) True or probable country of birth.

The true or probable country of birth shall be known as the place of birth, and the date of birth shall be determined by approximation. This report shall constitute an original certificate of birth, and;

- (4) A request that a new certificate of birth be established.

(b) After preparation of the new certificate of birth in the new name of the adopted person, the department of health shall seal and file the certified copy of the adoptive decree, the investigatory report and recommendation of the director of social services if any, the report constituting the original certificate of birth, and the request for a new certificate of birth. Such sealed documents may be opened by the department only by an order of a court of record. The new certificate of birth shall show the true or probable foreign country of birth, and that the certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive parents.”

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.\*

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

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

(Approved June 8, 1979.)

ACT 204

H.B. NO. 1557

A Bill for an Act Relating to County Committees on the Status of Women.

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

SECTION 1. **Purpose.** The purpose of this bill is to amend the structure of the county committees on the status of women to make them more directly responsive to the mayor and the county council of their respective counties.

SECTION 2. Section 367-4, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 367-4 County committees on status of women, membership, organization, etc.** The mayor of each county shall appoint a county committee on the status of women charged with the duty and responsibility of developing such information as the state commission on the status of women requires or as such committee deems advisable concerning the status of women within the respective counties; and such other appropriate duties and responsibilities as may be deemed necessary by each county. The committees shall submit to the state commission, plans and proposals affecting the status of women in the several counties. Each county committee shall endeavor to secure the widest possible citizen participation in its efforts and for this purpose may utilize existing public or private organizations. The membership of each county committee shall include, ex-officio, the county attorney or corporation counsel; the senior county representative of the office of children and youth; and the county representative of the commission on the status of women. The other members shall be selected on the basis of their interest and knowledge in, and their ability to make contributions to, the solution of problems relating to the status of women within the county and their knowledge of local conditions. The chairman shall be elected annually from the non-governmental members of the committee. One-third of the non-governmental members of the county committees shall be appointed initially for the term of four years, one-third for the term of three years, and one-third for the term of two years, and thereafter the terms of office of each member shall be four years. Each county committee shall meet at least four times a year. The members of the county committees shall receive no compensation for their services. The respective county legislative bodies are authorized to make appropriations to meet the necessary expenses of such committees.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 8, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

## ACT 205

H.B. NO. 1473

A Bill for an Act Relating to the Hawaii Wing, Civil Air Patrol.

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

SECTION 1. Section 261-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The sum of \$100,000 annually is granted from the airport revenue fund to carry on the operations and defray the expenses of the Hawaii Wing, Civil Air Patrol; provided that not less than \$3,000 shall be allocated to each Civil Air Patrol unit that meets minimum requirements established by national headquarters.”

SECTION 2. The legislature finds that the annual grant of money from the airport revenue fund to carry on the operations and to defray the expenses of the Hawaii Wing, Civil Air Patrol, under section 261-6, Hawaii Revised Statutes, is in the public interest and is a public purpose under Article VII, section 4, of the state constitution. The legislature further finds that the Hawaii Wing, Civil Air Patrol, is an organization whose services will carry out a state objective. The legislature further finds that section 261-6, Hawaii Revised Statutes, and any other law to the contrary notwithstanding the continuation of such annual grant of money under section 261-6, Hawaii Revised Statutes, shall be subject to this Act which shall control each future annual grant of money until such time as the legislature enacts an act with general application establishing the standards required by Article VII, section 4, of the state constitution at which time the provisions of that act shall control and supersede those contained in this Act.

SECTION 3. **General conditions of grant.** No grant under section 261-6, Hawaii Revised Statutes, shall be made unless the Hawaii Wing, Civil Air Patrol:

- (1) Agrees to comply with all applicable federal and state laws prohibiting discrimination against any person, on the grounds of race, color, national origin, religion, creed, sex, or age, in employment and any condition of employment with the Hawaii Wing, Civil Air Patrol, or in participation in the benefits of any program or activity funded by the moneys granted under section 261-6, Hawaii Revised Statutes.
- (2) Complies with applicable licensing requirements of the state and federal government.

SECTION 4. **Allotment.** The grant of moneys made by section 261-6, Hawaii Revised Statutes, to the Hawaii Wing, Civil Air Patrol, shall be subject to the allotment system provided in chapter 37, part II, Hawaii Revised Statutes. The moneys shall be fairly and uniformly made available.

SECTION 5. **Monitoring and evaluation.** The grant of money under section 261-6, Hawaii Revised Statutes, to the Hawaii Wing, Civil Air Patrol, shall be monitored by the department of transportation to ensure compliance with public purpose, legislative intent, and this Act.

The director of finance shall develop procedures and prescribe rules and regulations to assist the department in performing and monitoring and evaluating functions required by this Act.

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 8, 1979.)

ACT 206

H.B. NO. 80

A Bill for an Act Relating to Nursing Homes.

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

SECTION 1. **Purpose.** Under the federal Older Americans Act, as amended in 1978, the advocacy function on behalf of the institutionalized elderly is now mandated. Accordingly, the purpose of this Act is to provide for this advocacy function in the executive office on aging.

SECTION 2. Chapter 349, Hawaii Revised Statutes, is amended as follows:

1. By adding a new section to read:

**“Sec. 349- Long-term care facilities.** (a) For purposes of this chapter, the term “long-term care facilities” means any skilled nursing facility as defined in section 1861(j) of the Social Security Act, as amended, any intermediate care facility as defined in section 1905(c) of the Social Security Act, as amended, any nursing home as defined in section 1908(e) of the Social Security Act, as amended, and any other similar adult care facility licensed by the State serving the elderly.

(b) The executive office on aging shall have the responsibility to represent the interests of residents of long-term care facilities, individually and as a class, and to promote improvement in the quality of care received and the quality of life experienced by residents of long-term care facilities within the State. In meeting this responsibility, the executive office on aging shall:

- (1) Perform its duties and functions either directly or by other arrangement executed by the director with any public or private nonprofit organization, except with any organization responsible for licensing or certifying long-term care facilities in the State or which is engaged in offering long-term care services or which is an association (or an affiliate of such an association) of long-term care facilities;
- (2) Investigate and resolve complaints made by or on behalf of residents of long-term care facilities relating to acts which may adversely affect the health, safety, welfare, and rights of residents;
- (3) Monitor the development and implementation of federal, state, and local laws, regulations, and policies affecting long-term care facilities in the State;
- (4) Provide information as appropriate to public agencies regarding the problems of older persons residing in long-term care facilities;
- (5) Train volunteers or employees to serve the institutionalized elderly and to

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

promote the development of citizen organizations to participate in the advocacy program;

- (6) Establish procedures for appropriate access by the executive office on aging to long-term care facilities;
  - (7) Establish procedures for appropriate access by the executive office on aging to all patient records or portions thereof necessary for the executive office on aging to evaluate the merits of a specific complaint or complaints; provided that patient records shall be divulged only with the written consent of the patient or his legal representative;
  - (8) Establish procedures for appropriate access to files maintained by the executive office on aging, except that the identity of any complainant or resident of a long-term care facility shall not be disclosed unless:
    - (A) Such complainant or resident, or his legal representative, consents in writing to such disclosure; or
    - (B) Such disclosure is required by court order.”
2. By adding a new section to read:

“**Sec. 349- Access to long-term care facilities.** Any long-term care facility which receives public funds shall permit access to the facility to the executive office on aging in the performance of its duties and functions under this chapter.”

3. By adding a new section to read:

“**Sec. 349- Retaliatory acts by facilities or facility employees prohibited.** No resident seeking advocacy assistance as provided for in this Act or making a complaint concerning a facility or a facility’s employees shall be subject to any retaliatory act by the facility or any of its employees for seeking advocacy assistance or making a complaint. A violation of this section shall be determined by the executive office on aging subject to the provisions of chapter 91, Hawaii Revised Statutes. Any facility or facility employee who violates the provisions of this section shall be guilty of a misdemeanor.”

SECTION 3. New statutory material is underscored.\*

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

(Approved June 8, 1979.)

## ACT 207

H.B. NO. 160

A Bill for an Act Relating to Physicians Cooperative.

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

SECTION 1. Section 435E-12, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 435E-12 Trust corpus, contributions.** There shall be an initial trust corpus of not less than \$3,000,000 which corpus shall be a trust fund to secure

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.



## ACT 208

enforcement of the interindemnity arrangement. The average initial contribution to such corpus shall be not less than \$20,000 per member participating in the interindemnity arrangement. No such interindemnity arrangement shall become operative until the requisite minimum reserve trust fund has been established by such participating members. The director of regulatory agencies shall have the power to investigate and verify the amounts specified by law."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 8, 1979.)

## ACT 208

H.B. NO.2

A Bill for an Act Relating to the Judiciary Budget.

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

### PART I. GENERAL PROVISIONS

SECTION 1. **Short Title.** This Act shall be known as the Judiciary Appropriations Act of 1979.

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

(a) "Program ID" means the unique identifier for the specific program, and consists of the abbreviation for the judiciary (JUD) followed by a designated number for the program.

(b) "Means of Financing," or "MOF," 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 are followed by letter symbols. Such letter symbols, where used, shall have the following meanings:

- A General fund
- B Special fund
- N Other federal funds
- C General obligation bond fund

(c) "Position ceiling" means the maximum number of permanent positions authorized for a particular program during a specified period or periods, as noted by an asterisk.

### 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 appropriated or authorized from the sources of funding specified to the judiciary for the fiscal biennium beginning July 1, 1979 and ending June 30, 1981. The total

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expenditures and the number of permanently established positions in each fiscal year of the fiscal biennium shall not exceed the sums and the position ceilings indicated for each year, except as provided in this Act.

Item No.	Program	Program ID	FY 1979-80	M O F	FY 1980-81	M O F	Total Biennium 1979-81	M O F
THE JUDICIAL SYSTEM								
Court Operations								
1	Court of Appeals	JUD 101	39.00*		39.00*			
	Operating		973,683A		1,026,614A		2,000,297A	
2	Land Court/Tax Court	JUD 102	3.00*		3.00*			
	Operating		68,787A		68,987A		137,774A	
3	Circuit Courts	JUD 111	224.00*		224.00*			
	Operating		5,174,557A		5,265,090A		10,439,647A	
			129,788N		134,424N		264,212N	
4	Family Courts	JUD 112	203.50*		203.50*			
	Operating		4,323,249A		4,413,199A		8,736,448A	
			150,183N		155,353N		305,536N	
5	District Courts	JUD 121	325.00*		326.00*			
	Operating		5,455,519A		5,589,596A		11,045,115A	
Support Services								
6	Administrative Director Services	JUD 201	53.00*		53.00*			
	Operating		1,816,862A		1,869,559A		3,686,421A	
	Investment: Capital		5,339,000C		C		5,339,000C	
7	Law Library	JUD 202	8.00*		8.00*			
	Operating		362,431A		401,423A		763,854A	
8	Driver Education and Training	JUD 221	42.00*		42.00*			
	Operating		618,000B		636,996B		1,254,996B	
9	Criminal Justice Information System	JUD 231	8.00*		13.00*			
	Data Center		201,906A		347,173A		549,079A	
	Operating		5.00*					
			233,611N		N		233,611N	

SECTION 4. Whenever the expending program of the judiciary 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 chief justice shall transfer the necessary funds and positions to the proper expending program.

SECTION 5. Whenever the need arises, the chief justice, in administering an equitable and expeditious judicial process, is authorized to transfer sufficient funds and positions between programs for research and development and operating purposes; provided that such transfer shall be with the prior concurrence of the President of the Senate and the Speaker of the House of Representatives; provided further, that such transfer shall not be made to implement any collective bargaining contracts signed after this Legislature adjourns sine die.

SECTION 6. Where the chief justice or any agency or 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 which are to be expended in connection with any program or works authorized by this Act, or otherwise, the chief justice or agency with the chief justice'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. While most federal aid allocations are known and state matching funds are provided in this Act, there may be programs for which federal-state cost sharing is not yet determined. In such instances, the availability of federal funds shall be construed as a proportionate reduction of state costs whenever possible.

SECTION 7. Provided, that of the general fund appropriation for the Administrative Director Services Program (JUD 201), \$15,000 in each fiscal year of the biennium shall be used for a judicial selection commission.

SECTION 8. Provided, that of the general fund appropriation for the Administrative Director Services Program (JUD 201), \$5,000 in each fiscal year of the biennium shall be used for a commission on judicial discipline.

SECTION 9. All grants to private organizations in this Act are made in accordance with the following standards:

- (1) The private programs so funded yield direct benefits to the public and realize public purposes;
- (2) The private organizations so funded agree to the following conditions:
  - (A) To comply with all applicable federal and state laws prohibiting discrimination against any person, on the grounds of race, color, national origin, religion, creed, sex, or age, in employment and any condition of employment with the recipient or in participation in the benefits of any program or activity funded by the State;
  - (B) To comply with all applicable licensing requirements of the state and federal governments, and with all applicable accreditation and other standards of quality generally accepted in the field of the recipient's activities;
  - (C) To have in its employ or under contract such persons as are professionally qualified to engage in the activity funded by the State;
  - (D) To comply with such other requirements as the Administrative Director of Courts may prescribe to ensure adherence by the provider or recipient with federal and state laws and to ensure quality in the service or activity rendered by the recipient; and
- (3) The private organizations so funded, as a condition to receiving such grants shall allow the expending or related agency full access to their records, files, reports, and other related areas in order that the agency may assist them to improve their management and fiscal practices.

SECTION 10. Provided, that of the general fund appropriation for District Courts (JUD 121), \$83,724 for fiscal year 1979-80 and \$87,528 for fiscal year 1980-81 shall be used for a contract with the Department of the Attorney General to provide for security services.

**PART III. CAPITAL IMPROVEMENT PROJECTS**

**SECTION 11. Capital Improvement Projects.** The sum of \$5,339,000 appropriated or authorized in Part II of this Act for capital investment shall be expended for the projects listed below. Several 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 sum specified for the project separately. (The amount after each cost element and the total funding for each project listed in this part are in thousands dollars and are to be expended by the judiciary.)

Item No.	Program and Capital Project	Program ID	FY		Total Biennium		
			1979-80	M O F	1980-81	M O F	1979-81
<b>THE JUDICIAL SYSTEM</b>							
	Support Services						
	Administrative Director Services	JUD 201					
1	State Judiciary Complex, Oahu						
	Land acquisition for the State Judiciary Complex.						
	Land Acquisition		2,434			2,434	
	Total Funding		2,434C		C	2,434C	
2	Honolulu District Court, Oahu						
	Land acquisition, design, construction and furnishing of facilities for the Honolulu District Court within the State Capitol Complex.						
	Land Acquisition		500			500	
	Construction		2,200			2,200	
	Total Funding		2,700C		C	2,700C	
3	Additions to the Kona District Court, Hawaii						
	Renovation to the Kona District Court in order to provide additional office space to accommodate the expanded operational needs of the Kona District Court.						
	Design		15			15	
	Construction		66			66	
	Total Funding		81C		C	81C	
4	Remodeling and Upgrading Judiciary Buildings, Statewide						
	Design, construction and furnishing of equipment to remodel and upgrade Judiciary buildings statewide.						
	Design		12			12	
	Construction		60			60	
	Equipment		2			2	
	Total Funding		74C		C	74C	

Item No.	Program and Capital Project	Program ID	FY		FY		Total
			1979-80	M O F	1980-81	M O F	Biennium 1979-81
5	South Kohala District Court, Hawaii						
	Design of the South Kohala District Court in the Waimea Civic Center.						
	Design		30				30
	Total Funding		30C		C		30C
6	Renovation of Lahaina District Court, Maui						
	Renovation and furnishing of the second floor of the Lahaina Courthouse to accommodate the District Court.						
	Plans		20				20
	Total Funding		20C		C		20C

**PART IV. ISSUANCE OF BONDS**

**SECTION 12. General Obligation Bonds.** General obligation bonds may be issued as provided by law to yield the amount that may be necessary to finance projects authorized in Part II and listed in Part III of this Act, provided that the sum total of the general obligation bonds so issued shall not exceed \$5,339,000.

**PART V. SPECIAL PROVISIONS**

**SECTION 13.** Any law or any provision of this Act to the contrary notwithstanding, the appropriations made for capital investment projects authorized 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 1979-80 which are unencumbered as of June 30, 1982 shall lapse as of that date.

**SECTION 14.** The judiciary is authorized to delegate to other State or County agencies the acquisition of land, planning, design, and construction of any capital improvement project when it is determined by the judiciary that it is an advantage to do so.

**SECTION 15.** All unrequired balances after the objectives of appropriations made in Part II for capital investment purposes from the general obligation fund and listed as projects in Part III have been met, shall be transferred to the judiciary project adjustment fund.

**SECTION 16.** 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 chief justice may make supplemental allotments from the project adjustment fund; provided that such supplemental allotments shall not be used to increase the scope of the project; provided further that a report of such supplemental allotments and transfers into the judiciary project adjustment fund as provided by section 14 for the period ending December 31 of each calendar year shall be made to the President of the Senate and the Speaker of the House of Representatives by February 1 of the following calendar year.

SECTION 17. 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 chief justice may authorize such reduction of project scope; provided that the scope of a project shall not be reduced merely because the appropriation for the project is insufficient.

SECTION 18. The chief justice shall determine when and the manner in which the authorized projects shall be initiated. He shall notify the governor from time to time of the specific amounts required for the projects, and the governor shall provide for such amounts through the issuance of bonds authorized in Part IV.

## PART VI. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

SECTION 19. **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 and intent of such appropriation to the extent possible.

SECTION 20. **Manifest errors.** In the event manifest clerical, typographical, or other mechanical errors are found in this Act, the chief justice is authorized to correct such errors. All changes made pursuant to this section shall be reported to the legislature at its next session.

SECTION 21. **Effective date.** This Act shall take effect on July 1, 1979.

(Approved June 9, 1979.)

ACT 209

H.B. NO. 455

A Bill for an Act Relating to the Hawaiian Homes Commission Act.

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

SECTION 1. **Purpose.** The purpose of this Act is to increase the amount the department is presently authorized to borrow or guarantee on loans from \$18,000,000 to \$21,000,000 to cover the department's projected guarantee requirements for its housing program up to biennium 1979-81.

SECTION 2. Section 214, Hawaiian Homes Commission Act, 1920, as amended, is amended to read:

**"Sec. 214 Purposes of loans; authorized loans.** (a) The department may make loans from revolving funds to any lessee to whom, or any cooperative association to which, a lease or license has been issued under section 207 of this Act. Such loans may be made for the following purposes:

- (1) The repair or maintenance or purchase or erection of dwellings on any tract, and the undertaking of other permanent improvements thereon;
- (2) The purchase of livestock, swine, poultry, fowl, and farm equipment;

- (3) Otherwise assisting in the development of tracts and of farm and ranch operations;
  - (4) The cost of breaking up, planting, and cultivating land and harvesting crops, the purchase of seeds, fertilizers, feeds, insecticides, medicines, and chemicals for disease and pest control for animals and crops, and the related supplies required for farm and ranch operations, the erection of fences and other permanent improvements for farm or ranch purposes and the expense of marketing; and
  - (5) To assist lessees in the operation or erection of theaters, garages, service stations, markets, stores, and other mercantile establishments, all of which shall be owned by lessees of the department or by organizations formed and controlled by the lessees.
- (b) In addition the department may:
- (1) Use moneys in the development and operating funds, with the prior approval of the governor, to match federal, state, or county funds available for the same purposes and to that end, enter into such undertaking, agree to such conditions, transfer funds therein available for such expenditure, and do and perform such other acts and things, as may be necessary or required, as a condition to securing matching funds for such projects or works;
  - (2) Loan or guarantee the repayment of or otherwise underwrite any authorized loan or portion thereof, up to a maximum of \$35,000 in† lessees in accordance with section 215;
  - (3) Loan or guarantee the repayment of or otherwise underwrite any authorized loan or portion thereof to a cooperative association in accordance with section 215;
  - (4) Permit and approve loans made to lessees by government agencies or private lending institutions, where the department assures the payment of such loans; provided that upon receipt of notice of default in the payment of such assured loans, the department may, upon failure of the lessee to cure the default within sixty days, cancel the lease and pay the outstanding balance in full or may permit the new lessee to assume the outstanding debt; and provided further that the department shall reserve the following rights: the right of succession to the lessee's interest and assumption of the contract of loan; the right to require that written notice be given to the department immediately upon default or delinquency of the lessee; and any other rights enumerated at the time of assurance necessary to protect the monetary and other interests of the department;
  - (5) Secure, pledge, or otherwise guarantee the repayment of moneys borrowed by the department from government agencies or private lending institutions and pay the interim interest or advances required for loans; provided that the State's liability, contingent or otherwise, either on moneys borrowed by the department or on departmental guarantees of loans made to lessees under this paragraph and [paragraph] paragraphs (2), (3), and (4) of this section, shall at no time exceed [\$18,000,000;] \$21,000,000;

†So in original. Probably should read "to".

- (6) Use available loan fund moneys or other funds specifically available for such purposes as cash guarantees when required by lending agencies;
- (7) Exercise the functions and reserved rights of a lender of money or mortgagee of residential property in all direct loans made by government agencies or by private lending institutions to lessees the repayment of which is assured by the department. The functions and reserved rights shall include but not be limited to, the purchasing, repurchasing, servicing, selling, foreclosing, buying upon foreclosure, guaranteeing the repayment, or otherwise underwriting, of any loan, the protecting of security interest, and after foreclosures, the repairing, renovating, or modernization and sale of property covered by the loan and mortgage."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved June 9, 1979.)

## ACT 210

H.B. NO. 722

A Bill for an Act Relating to Agricultural Loans.

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

SECTION 1. Section 155-1, Hawaii Revised Statutes, is amended to read:

**"Sec. 155-1 Definitions.** Whenever used in this chapter:

- (1) "Farm land" means land in the State used for agricultural purposes, including general farming, cane growing, fruit growing, flower growing, grazing, dairying, the production of any form of livestock or poultry, and any other form of agricultural activity. It includes land required for an adequate farm dwelling and other essential farm buildings, roads, waste-land.
- (2) "Qualified farmer" means a person of proven farming ability who operates his own farm on land owned by him in fee or on land rented or leased from others and who is presently devoting, has recently devoted, or intends to devote at least one-third of his time or derive at least one-third of his net cash income from direct participation in farming in its broadest sense. It includes Hawaii partnerships controlled to the extent of seventy-five per cent by persons who would qualify individually and would meet the eligibility requirements of section 155-10. It also includes small corporations where at least seventy-five per cent of each class of stock issued by the corporation is owned by persons who qualify individually and would meet the eligibility requirements of section 155-10 and where seventy-five per cent of the directors are qualified farmers. It also includes corporations incorporated in the State primarily for agricultural production purposes; actively engaged in agricultural production for a minimum of two years; and with at least seventy-five per cent of each class of stock owned by



residents of this State.

- (3) "New farmer program" means a new farm enterprise for qualified new farmers, including persons who are displaced from employment in an agricultural production enterprise, college graduates in agriculture, community college graduates in agriculture, and members of the Hawaii Young Farmer Association and Future Farmer of America graduates with farming projects, persons who have not less than two years' experience as part-time farmers, persons who have been farm tenants or farm laborers, or other individuals who have for the two years last preceding their application obtained the major portion of their income from farming operations, and persons who by reason of ability, experience, and training as vocational trainees are likely to successfully operate a farm, who otherwise meet the eligibility requirements of section 155-10.
- (4) "Cooperative" means a nonprofit association of farmers organized under chapter 421.
- (5) "Mortgage" includes such classes of liens on farm land and other authorized security as are approved by the department of agriculture and the credit instruments secured thereby.
- (6) "Private lender" includes banks, savings and loan associations, mortgage companies, and other qualified companies whose business includes the making of loans in the State."

SECTION 2. New statutory material is underscored.

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

(Approved June 9, 1979.)

ACT 211

H.B. NO. 1394

A Bill for an Act Relating to Interest on Judgment.

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

SECTION 1. Section 478-2, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 478-2 On judgment.** Interest at the rate of eight per cent a year, and no more, shall be allowed on any judgment recovered before any court in the State, in any civil suit."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 9, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

## ACT 212

H.B. NO. 1581

A Bill for an Act Relating to Minimum Finance Charges on Retail Installment Contracts.

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

SECTION 1. Section 476-33, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 476-33 Regulation of finance charges.** It shall be unlawful, directly or indirectly, to charge, contract for, collect, or receive any finance charge, on a retail installment contract except as is provided by this section.

The finance charge shall not exceed the amount of interest which could lawfully be deducted in advance by an industrial loan company under chapter 408 on a loan to run for the same period as the retail installment contract, where the actual cash received by the borrower after the deduction of interest in advance would be equal in amount to the time balance of the retail installment contract, provided that a minimum finance charge of not more than \$10 shall be allowable in a retail installment sale when the finance charge is stated in a dollar amount.”

SECTION 2. Statutory material to be repealed is bracketed.\*

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

(Approved June 9, 1979.)

## ACT 213

H.B. NO. 1680

A Bill for an Act Relating to the Natural Energy Laboratory of Hawaii and Making an Appropriation Therefor.

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

SECTION 1. **Findings and purpose.** The legislature finds that the State of Hawaii is generously endowed with a variety and abundance of natural energy resources, among which are geothermal, solar radiation, steady winds, ocean waves, biomass, and ocean thermal energy conversion (OTEC), and Hawaii has been chosen as the site for a number of significant demonstrations in the development of natural energy.

By Act 236, Session Laws of Hawaii 1974, the legislature provided that the natural energy laboratory of the State of Hawaii be located on the parcel of state-owned land makai of the Ke-ahole airport on the island of Hawaii and further provided that the laboratory is to be under the direction and management of a

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

consortium that could be made up of several state and county entities and such foundations and enterprises as may be willing to provide funds, facilities, or research for the laboratory.

Following enactment of Act 236, a consortium consisting of representatives of the county of Hawaii, the office of the marine affairs coordinator, the University of Hawaii, the department of land and natural resources, and the department of planning and economic development has been providing for the direction and management of the natural energy laboratory at the Ke-ahole Point site.

In 1978 capital investment funds were released to provide for the development of the natural energy laboratory site and for facilities essential to its operation. Funds were also released for demonstration projects for participation by the State, the county of Hawaii, and the private sector in demonstrating the feasibility of OTEC. In addition, the United States Department of Energy has approved plans for the demonstration of OTEC concepts and related research and development projects to be located at the natural energy laboratory. Thus, Hawaii can become the international center for natural energy investigations utilizing the Ke-ahole Point site.

It is the purpose of this Act to provide for the formal organization and operation of the natural energy laboratory of Hawaii.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read:

## **“CHAPTER NATURAL ENERGY LABORATORY OF HAWAII**

**Sec. -1 Establishment of natural energy laboratory of Hawaii; purpose.** There is established a body corporate and a public instrumentality of the State of Hawaii to be known as the natural energy laboratory of Hawaii. The natural energy laboratory of Hawaii shall be placed within the department of planning and economic development for administrative purposes.

The natural energy laboratory of Hawaii shall manage and operate an outdoor research facility on a parcel of state-owned land at Ke-ahole Point on the island of Hawaii. The outdoor research facility shall provide a site for research, development, and demonstration of natural energy resources and for other compatible scientific and technological investigations. For the purposes of such activities, the outdoor research facility shall include the land at Ke-ahole Point, the waters offshore, and the structures constructed or erected thereon or therein, as determined to be required by the managing board of the natural energy laboratory of Hawaii.

**Sec. -2 Managing board; composition.** The natural energy laboratory of Hawaii shall be under the general control and management of a managing board consisting of seven ex officio voting members. The director of planning and economic development, the chairman of the board of land and natural resources, the marine affairs coordinator, two officers or employees of the University of Hawaii as designated by the president of the university, and two officials of the county of Hawaii as designated by the mayor of the county of Hawaii shall be the members of the managing board.

**Sec. -3 Powers of the managing board.** In the name of the natural energy laboratory of Hawaii, the managing board may:

- (1) Adopt, amend, and repeal bylaws governing its organization, the conduct of business, and the exercise of its powers and duties;
- (2) Promulgate rules with respect to its projects, activities, properties, and facilities, which rules shall be in conformance with chapter 91;
- (3) Promote the use of the natural energy laboratory site for the purposes provided by law;
- (4) Impose and collect fees pertaining to the use of properties and facilities of the natural energy laboratory of Hawaii;
- (5) Make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter;
- (6) Contract for and accept gifts or grants in any form from any public agency or from any other source;
- (7) Formulate budgets to provide for the operation of the laboratory;
- (8) Appoint, hire, and remove, without regard to chapters 76 and 77, necessary staff for the laboratory, and establish the salaries therefor;
- (9) Submit an annual report to the governor, the president of the senate, and the speaker of the house of representatives, which shall include, but not be limited to, progress and accomplishments made in the year, an accounting of funds received and disbursed, and the status of research projects; and
- (10) Do any and all things reasonably necessary to carry out its purposes and exercise the power granted in this chapter.

**Sec. -4 Special fund.** Any other law to the contrary notwithstanding, there is established a special fund to be known as the natural energy laboratory of Hawaii special fund, into which shall be deposited all moneys, fees, grants, and gifts made to the natural energy laboratory of Hawaii and from which expenditures may be made to provide for the operation of the natural energy laboratory of Hawaii."

SECTION 3. Act 236, Session Laws of Hawaii 1974, is repealed.

SECTION 4. This Act shall take effect on July 1, 1979.

(Approved June 9, 1979.)

ACT 214

H.B. NO. 1

A Bill for an Act Relating to the State Budget.

*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 1979.

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

(a) "Program ID" means the unique identifier for the specific program, and consists of the abbreviation for the organization responsible for carrying out the

program, followed by the organization number for the program.

(b) "Expending agency" means the executive department, independent commission, bureau, office, board, or other establishment of the State government (other than the Legislature and the Judiciary), 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
- EDN Department of Education
- GOV Office of the Governor
- HHL Department of Hawaiian Home Lands
- HTH Department of Health
- LBR Department of Labor & Industrial Relations
- LNR Department of Land & 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 & Housing
- TRN Department of Transportation
- TAX Department of Taxation
- UOH University of Hawaii
- COH County of Hawaii
- CCH City & County of Honolulu
- COM County of Maui
- COK County of Kauai

(c) "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 are followed by letter symbols. Such letter symbols, where used, shall have the following meaning:

- A general fund
- B special fund
- C general obligation bond fund
- D general obligation bond fund with debt service cost to be paid from special funds
- E revenue bond funds
- J federal aid interstate funds
- K federal aid primary funds
- L federal aid secondary funds
- M federal aid urban funds
- N other federal funds
- P state and local fiscal assistance (federal revenue sharing) funds
- R private contributions

- S county funds
- T trust funds
- U interdepartmental transfers
- W revolving funds
- X other funds

(d) "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 an asterisk.

(e) "Capital project number" means the official number of the capital project, as assigned by the responsible organization.

## **PART II. PROGRAM PRIORITIES**

**SECTION 3. Priority program appropriations.** The programs designated herein are set forth in two parts, entitled Part A Priority Program Appropriations (herein referred to as Part A) and Part B Priority Program Appropriations (herein referred to as Part B).

Each department or establishment to which appropriations are made by this Act in Part A shall, prior to each allotment period, submit to the Director of Finance, an estimate of the amount from the appropriations in Part A of this Act required to implement the programs listed in Part A during that allotment period. Funds designated for program appropriations set forth in Part A of this Act shall be fully allotted to each department or establishment in accordance with the estimate submitted by it, any other law to the contrary notwithstanding, if the Director of Finance determines, no more than twenty days prior to each allotment period, that the total of the probable receipts from taxes or any other sources for each fiscal year of the 1979-81 biennium will equal no less than the sum necessary to fund all of the program appropriations contained in Part A of this Act, the Judiciary Appropriations Act of 1979, the Legislative Appropriations Act of 1979, and any other acts appropriating general funds not yet expended or lapsed, for each fiscal year of the 1979-81 biennium. In making this determination, the Director of Finance shall be guided by such revenue estimates as may be made by the Revenue Estimating Committee until such time as it is replaced by the Council on Revenues.

Funds designated for program appropriations set forth in Part B of this Act may be allotted only if the Director of Finance determines, no more than twenty days prior to each allotment period, that the total of the probable receipts from taxes or any other sources for each fiscal year of the 1979-81 biennium will exceed the sum necessary to fully fund all of the program appropriations contained in Part A of this Act, the Judiciary Appropriations Act of 1979, the Legislative Appropriations Act of 1979, and any other acts appropriating general funds not yet expended or lapsed, for each fiscal year of the 1979-81 biennium. In making this determination, the Director of Finance shall be guided by such revenue estimates as may be made by the Revenue Estimating Committee until such time as it is replaced by the Council on Revenues.

## **PART III. PROGRAM APPROPRIATIONS**

**SECTION 4. Part A priority program 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

## **ACT 214**

be, from the sources of funding specified to the expending agencies designated for the fiscal biennium beginning July 1, 1979 and ending June 30, 1981. The total expenditures and the number of positions in each fiscal year of the biennium shall not exceed the sums and the position ceilings indicated for each year, except as provided elsewhere in this Act.

APPROPRIATIONS

Item No.	Program	Program ID	Exp. Agy.	FY		FY		Total Biennium O 1979-81 F
				1979-80 F	1980-81 F	1980-81 F	1980-81 F	
<b>A. ECONOMIC DEVELOPMENT</b>								
<b>1. COMMERCE AND INDUSTRY</b>								
	Operating	PED 102		17.00*	17.00*	1,573,887A	1,485,375W	3,132,295A
	Investment: Capital			1,558,408A		1,202,975W		2,688,350W
				130,000C				130,000C
<b>2. TRANSPORTATION, COMMUNICATIONS AND UTILI</b>								
	Operating	BUF 901		17.00*	17.00*	522,557A		1,038,368A
				515,811A				
<b>3. TRADE AND FINANCE</b>								
<b>International Trade &amp; Economic Cooperati</b>								
	Operating	PED 105		6.00*	6.00*	170,606A		435,364A
	Investment: Capital			264,758A				500,000C
				500,000C				
<b>4. Foreign Trade Zone Services</b>								
	Operating	PED 107		24.00*	24.00*	759,587B		1,409,431B
	Investment: Capital			649,844B				1,520,000D
				1,520,000D				
<b>5. TOURISM</b>								
	Operating	PED 113		3.00*	3.00*	1,644,978A		3,813,796A
				2,168,818A		1,368,346R		2,168,346R
				800,000R				353,650X
				167,300X				
<b>6. AGRICULTURE</b>								
<b>Economic Assistance for Agriculture</b>								
<b>Financial Assistance for Agriculture</b>								
	Operating	AGR 101		12.00*	12.00*	353,962B		702,485B
				348,523B		1,876,127W		3,706,651W
				1,830,524W				



APPROPRIATIONS

Item No.	Program	Program ID	Exp. Agy.	FY M O 1979-80 F	FY M O 1980-81 F	Total Biennium O 1979-81 F
7.	Agricultural Loans for Hawaiian Home Lan Operating	HHL 101	HHL	3.92* 74,879B	3.92* 77,063B	151,942B
8.	Price & Production Controls for Dairy Pr Operating	AGR 103	AGR	8.00* 158,560A	8.00* 159,430A	317,990A
9.	Producty Imprvnmnt & Mgt Asstnce for AGR Farms & Ranches—Productn & Mgt Improvem Operating Investment: Capital	HHL 111	HHL HHL	19.85* 397,474B 1,395,000C	19.85* 411,106B C	808,580B 1,395,000C
10.	Plant Pest and Disease Control Plant Quarantine Operating	AGR 121	AGR AGR	40.15* 726,967A 462,162U	40.15* 725,611A 500,715U	1,452,578A 962,877U
11.	Plant Pest Control Operating	AGR 122	AGR AGR	25.35* 610,593A 6,000N	25.35* 642,943A 6,000N	1,253,536A 12,000N
12.	Animal Pest and Disease Control Animal Quarantine Operating	AGR 131	AGR AGR	36.00* 779,975A 57,843U	36.00* 772,789A 58,820U	1,552,764A 116,663U
13.	Animal Disease Control Operating	AGR 132	AGR AGR	21.00* 539,724A 28,000T	22.00* 532,554A 29,600T	1,072,278A 57,600T

14.	Product Development and Marketing For AG Forestry-Products Development	LNR 172	LNR LNR	30.00* 619,532A 96,000N	30.00* 634,548A 96,000N	1,254,080A 192,000N
15.	Distribution Systems Improvement for AGR	AGR 151	AGR AGR AGR AGS	35.00* 658,736A 137,267B 15,720N 227,000C	35.00* 669,332A 142,558B 15,720N C	1,328,068A 279,825B 31,440N 227,000C
16.	General Support for AGR Data Collection for AGR	AGR 189	AGR	12.00* 264,846A	12.00* 275,671A	540,517A
17.	General Administration for AGR	AGR 192	AGR AGS	31.00* 574,740A 4,555,000C	31.00* 582,444A C	1,157,184A 4,555,000C
18.	FISHERIES & AQUACULTURE Financial Assistance for Aquaculture Operating	AGR 102	AGR	44,000W	57,000W	101,000W
19.	Commercial Fishery and Aquaculture	LNR 153	LNR LNR LNR LNR	13.00* 656,056A 25,000B 150,000N 50,000C	13.00* 466,623A 25,000B 150,000N C	1,122,679A 50,000B 300,000N 50,000C
20.	ENERGY DEVELOPMENT AND MANAGEMENT Research and Development	PED 120	PED	300,000A 4,00* 571,651A 345,000N 1,000,000C 1,000,000N	300,000A 4,00* 375,743A 180,000N C N	600,000A 947,394A 525,000N 1,000,000C 1,000,000N
	Operating		PED			
	Investment: Capital		PED			
	Operating		PED			
	Investment: Capital		PED			

APPROPRIATIONS

Item No.	Program	Program ID	Exp. Agy.	FY		FY		Total Biennium 1979-81 F
				1979-80 F	M O	1980-81 F	M O	
21.	WATER DEVELOPMENT & IRRIGATION SERVICES	LNR 141		18.00*		18.00*		1,061,463A
	Operating		LNR	528,045A		533,418A		273,000B
	Investment: Capital		LNR	136,000B		137,000B		2,864,000C
	ECON PLANNING & COORD FOR ECON DEVELOPME		LNR	2,864,000C				
22.	Econ Planning & Research for Econ Devpmt	PED 130		13.00*		13.00*		693,947A
	Operating		PED	341,895A		352,052A		
23.	General Support for Marine Programs	GOV 109		4.00*		4.00*		1,080,653A
	Operating		GOV	539,189A		541,464A		
24.	General Support for Economic Development	PED 142		19.00*		19.00*		1,008,022A
	Operating		PED	500,847A		507,175A		
<b>B. EMPLOYMENT</b>								
<b>FULL OPPORTUNITY TO WORK</b>								
1.	Placement Services	LBR 111		3.00*		3.00*		100,557A
	Operating		LBR	49,884A		50,673A		
			LBR	200.00*		200.00*		
			LBR	6,382,773N		6,547,155N		12,929,928N
2.	Apprenticeship & Other Training Programs	LBR 123		7.00*		7.00*		246,694A
	Operating		LBR	122,251A		124,443A		
3.	Employment and Training Programs	LBR 131		134,295A		134,295A		268,590A
	Operating		LBR	15.00*		15.00*		
			LBR	13,047,650N		13,047,650N		26,095,300N

4.	OCCUPATIONAL SAFETY & HEALTH	LBR 143						
	Operating	LBR	49.50*	49.50*	968,614A	968,614A	1,905,590A	
		LBR	29.50*	29.50*	674,958N	698,007N	1,372,965N	
5.	FAIR AND JUST EMPLOYMENT PRACTICES	LBR 152						
	Wage Standards & Fair Employment Practic	LBR	27.00*	27.00*	498,180A	509,633A	1,007,813A	
	Operating	LBR						
6.	Labor-Management Relations	LBR 161						
	Public Employment	LBR	3.00*	3.00*	368,846A	374,652A	743,498A	
	Operating	LBR						
7.	Private Employment	LBR 162						
	Operating	LBR	1.50*	1.50*	45,058A	45,167A	90,225A	
8.	ASSISTANCE IN WORK RELATED DIFFICULTIES	LBR 171						
	Unemployment Compensation	LBR	98,340,000B	100,306,800B	100,306,800B	198,646,800B		
	Operating	LBR	272.35*	272.35*	5,641,253N	5,814,292N	11,455,545N	
9.	Disability Compensation	LBR 183						
	Operating	LBR	79.00*	79.00*	1,314,646A	1,341,532A	2,656,178A	
		LBR	2,379,000B	2,529,000B			4,908,000B	
10.	Vocational Rehabilitation	SOC 802						
	Operating	SOC	28.40*	33.70*	1,245,089A	1,438,919A	2,684,008A	
		SOC	250,000B	300,000B	95.60*	93.30*	550,000B	
		SOC	3,555,020N	3,852,291N			7,407,311N	
	Investment: Capital	AGS	75,000C				75,000C	

APPROPRIATIONS

Item No.	Program	Program ID	Exp. Agy.	FY		FY		Total Biennium 1979-81 F
				1979-80 F	M O	1980-81 F	M O	
<b>OVERALL PROGRAM SUPPORT</b>								
Dir-Data Gathering, Research and Analysis								
11.	Operating	LBR 901	LBR	8.40*	142,768A	8.40*	145,071A	287,839A
				30.60*	890,107N	30.60*	894,750N	1,784,857N
12.	Policy Development and Coordination	GOV 803	GOV	11.00*	344,608A	11.00*	362,105A	706,713A
	Operating		GOV	68,750N		68,750N		137,500N
13.	General Administration	LBR 902	LBR	22.20*	393,048A	22.20*	399,703A	792,751A
	Operating		LBR	38.30*		38.30*		
14.	Labor & Industrial Relations Appeals BOA	LBR 812	LBR	1,057,600N		1,085,255N		2,142,855N
	Operating		LBR	8.00*	249,054A	8.00*	251,391A	500,445A
<b>C. TRANSPORTATION FACILITIES</b>								
<b>AIR TRANSPORTATION FACILITIES AND SVCS</b>								
HIA Facilities & Svcs								
1.	Operating	TRN 102	TRN	429.00*	13,513,244B	429.00*	13,367,022B	26,880,266B
	Investment: Capital		TRN	4,760,000B				4,760,000B
			TRN	7,500,000E				7,500,000E
			TRN	3,500,000N				3,500,000N
2.	General Lyman Field Facilities and Svcs	TRN 111	TRN	75.00*	2,620,274B	76.00*	2,754,484B	5,374,758B
	Operating		TRN	650,000B				650,000B
	Investment: Capital							

3.	Ke-Ahole Airport Facilities and Services	TRN 114	49,00*	49,00*	2,897,937B
	Operating	TRN	1,380,336B	1,517,601B	2,062,000E
	Investment: Capital	TRN	2,062,000E	E	1,500,000N
		TRN	1,500,000N	N	
4.	Waimea-Kohala Airport Facilities and Svc	TRN 116	4,00*	4,00*	246,532B
	Operating	TRN	84,605B	161,927B	306,000E
	Investment: Capital	TRN	306,000E	E	
5.	Upolu Airport Facilities and Services	TRN 118	22,690B	2,893B	25,583B
	Operating	TRN	108,000E	E	108,000E
	Investment: Capital	TRN			
6.	Kahului Airport Facilities and Services	TRN 131	67,00*	68,00*	3,599,384B
	Operating	TRN	1,763,644B	1,835,740B	14,625,000E
	Investment: Capital	TRN	14,625,000E	E	2,600,000N
		TRN	2,600,000N	N	
7.	Hana Airport Facilities and Services	TRN 133	1,00*	1,00*	87,669B
	Operating	TRN	60,010B	27,659B	
8.	Molokai Airport Facilities and Services	TRN 141	7,00*	7,00*	726,971B
	Operating	TRN	395,620B	331,351B	4,650,000E
	Investment: Capital	TRN	4,650,000E	E	1,000,000N
		TRN	1,000,000N	N	
9.	Lanai Airport Facilities and Services	TRN 151	4,00*	4,00*	307,386B
	Operating	TRN	201,647B	105,739B	250,000E
	Investment: Capital	TRN	250,000E	E	
10.	Lihue Airport Facilities and Services	TRN 161	56,00*	57,00*	3,235,281B
	Operating	TRN	1,576,087B	1,659,194B	4,000,000E
	Investment: Capital	TRN	4,000,000E	E	1,000,000N
		TRN	1,000,000N	N	

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Item No.	Program	Program ID	Exp. Agy.	FY		FY		Total Biennium 1979-81 F	
				1979-80 F	M O	1980-81 F	M O		
11.	Dillingham Field Facilities and Services	TRN 172	TRN	1.00*	M O	1.00*	M O	221,505B	
	Operating			152,956B		68,549B			
12.	Kalaupapa Airport Facilities and Service	TRN 181	TRN	1.00*	M O	1.00*	M O	44,551B	
	Operating Investment: Capital		TRN	22,456B		22,095B		40,000E	
13.	Port Allen Airport Facilities and Service	TRN 191	TRN	15,805B		15,860B		31,665B	
	Operating			52.00*		52.00*			
14.	Air Transportation Facilities & Svcs Sup	TRN 195	TRN	37,717,828B		40,022,388B		77,740,216B	
	Operating Investment: Capital		TRN	5,170,000B				5,170,000B	
WATER TRANSPORTATION FACILITIES AND SERV									
15.	Honolulu Harbor Facilities and Services	TRN 301	TRN	127.00*		127.00*			
	Operating Investment: Capital		TRN	4,282,443B		4,286,859B		8,569,302B	
			TRN	2,919,000B				2,919,000B	
			TRN	4,125,000D				4,125,000D	
16.	Hilo Harbor Facilities and Services	TRN 311	TRN	11.00*		11.00*			
	Operating Investment: Capital		TRN	452,501B		465,503B		918,004B	
			TRN	1,488,000B				1,488,000B	
			TRN	2,280,000D				2,280,000D	
17.	Kawaihae Harbor Facilities and Services	TRN 313	TRN	5.00*		5.00*			
	Operating Investment: Capital		TRN	157,572B		154,568B		312,140B	
			TRN	125,000B				125,000B	

18.	Kahului Harbor Facilities and Services	TRN 331	12.00*	12.00*	12.00*	914,924B
	Operating	TRN	461,345B	453,579B		
19.	Kaunakakai Harbor Facilities and Service	TRN 341	1.00*	1.00*	92,170B	
	Operating	TRN	44,691B	47,479B		
20.	Nawiliwili Harbor Facilities and Service	TRN 361	11.00*	11.00*	699,850B	
	Operating	TRN	353,630B	346,220B	625,000B	
	Investment: Capital	TRN	625,000B	B		
21.	Port Allen Harbor Facilities and Service	TRN 363	1.00*	1.00*	101,150B	
	Operating	TRN	44,577B	56,573B		
22.	Kewalo Basin Facilities and Services	TRN 371	2.00*	2.00*	386,721B	
	Operating	TRN	199,763B	186,958B		
23.	Water Transportation Fac & Svcs Support	TRN 395	42.00*	42.00*	17,700,198B	
	Operating	TRN	8,570,654B	9,129,544B	25,000B	
	Investment: Capital	TRN	25,000B	B		
LAND TRANSPORTATION FACILITIES AND SERVI						
24.	Oahu Highways and Services	TRN 501	209.00*	209.00*	18,052,737B	
	Operating	TRN	8,645,871B	9,406,866B	100,000B	
	Investment: Capital	TRN	100,000B	B	2,036,000C	
		TRN	2,036,000C	C	2,331,000D	
		TRN	2,331,000D	D	2,914,000J	
		TRN	2,914,000J	J	180,000K	
		TRN	180,000K	K	1,284,000M	
		TRN	1,284,000M	M		



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Item No.	Program	Program ID	Exp. Agy.	FY		FY		Total Biennium 1979-81
				1979-80	M O F	1980-81	M O F	
25.	Hawaii Highways and Services Operating Investment: Capital	TRN 511	TRN	106.00*		106.00*		6,655,225B
				3,206,313B		3,448,912B		210,000C
				210,000C				3,573,000D
				3,573,000D				247,000L
26.	Maui Highways and Services Operating Investment: Capital	TRN 531	TRN	53.00*		53.00*		3,696,823B
				1,671,787B		2,025,036B		55,000C
				55,000C				2,642,000D
				2,642,000D				2,605,000K
27.	Molokai Highways and Services Operating Investment: Capital	TRN 541	TRN	12.00*		12.00*		1,045,653B
				438,350B		607,303B		150,000C
				150,000C				120,000D
				120,000D				
28.	Lanai Highways and Services Operating Investment: Capital	TRN 551	TRN	3.00*		3.00*		268,650B
				105,913B		162,737B		165,000D
				165,000D				
29.	Kauai Highways and Services Operating Investment: Capital	TRN 561	TRN	41.00*		41.00*		3,680,023B
				1,601,776B		2,078,247B		35,000C
				35,000C				618,000D
				618,000D				
30.	Land Transportation Fac & Svcs Support Operating Investment: Capital	TRN 595	TRN	39.00*		39.00*		36,323,387B
				17,969,847B		18,353,540B		2,002,000D
				2,002,000D				2,125,000N
				2,125,000N				

31.	Safety Administration of Land Transporta	TRN	597						
	Operating	TRN		14.00*	14.00*				
				364,431B	341,664B				706,095B
				4.00*	4.00*				
		TRN		89,950N	84,617N				174,567N
32.	OVERALL PROGRAM SUPPORT FOR TRANS FAC	TRN	995						
	&								
	Operating	TRN		72.00*	73.00*				
				2,692,762B	2,837,087B				5,529,849B
<b>D. ENVIRONMENTAL PROTECTION</b>									
<b>POLLUTION CONTROL</b>									
1.	Solids, Liquids, Gases, and Noise	HTH	840						
	Operating	HTH		44.50*	44.50*				
				737,557A	757,948A				1,495,505A
				10.00*	10.00*				
	Investment: Capital	HTH		877,670N	862,860N				1,740,530N
		HTH		3,000,000C	C				3,000,000C
2.	Pesticides	AGR	846						
	Operating	AGR		8.50*	8.50*				
				141,985A	144,347A				286,332A
3.	PRESERVATION AND ENHANCEMENT	LNR	401						
	Aquatic Resources	LNR							
	Operating	LNR		2.00*	2.00*				
				13,542A	13,173A				26,715A
		LNR		17,651N	19,501N				37,152N
4.	Forests and Wildlife Resources	LNR	402						
	Operating	LNR		49.00*	49.00*				
				1,087,451A	986,411A				2,073,862A
		LNR		297,716N	301,140N				598,856N
	Investment: Capital	LNR		50,000A	A				50,000A
		LNR		140,000C	C				140,000C
5.	Mineral Resources	LNR	403						
	Operating	LNR		2.00*	2.00*				
				40,224A	41,284A				81,508A

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Item No.	Program	Program ID	Exp. Agy.	FY		FY		Total Biennium O 1979-81 F
				1979-80 F	M O	1980-81 F	M O	
6.	Water Resources	LNR 404		11.00*		11.00*		
	Operating		LNR	828,111A		865,790A		1,693,901A
			LNR	536,044N		562,881N		1,098,925N
	Investment: Capital		LNR	12,900R	C	12,900R		25,800R
			LNR	30,000C				30,000C
7.	Conservation & Resources Enforcement	LNR 405		51.00*		51.00*		
	Operating		LNR	1,039,423A		969,102A		2,008,525A
8.	Coastal Areas	TRN 903		10,000B		10,000B		20,000B
	Operating Investment: Capital		TRN	341,000C	C			341,000C
9.	GENERAL SUPPORT FOR NAT PHYS ENVIRONMENT	GOV 401		10.00*		10.00*		
	Policy Dvlpment, Coord & Anlys for Nat P		GOV	214,175A		218,600A		432,775A
	Operating							
10.	LNR-Natural Physical Environment	LNR 906		27.00*		27.00*		
	Operating		LNR	816,840A		713,615A		1,530,455A
11.	HTH-Natural Physical Environment	HTH 849		8.00*		8.00*		
	Operating		HTH	409,065A		426,504A		835,569A
			HTH	4.00*		4.00*		8.00*
				295,621N		311,392N		607,013N

**E. HEALTH**  
**PHYSICAL HEALTH**

Communicable Diseases	
1.	<p>HTH 101</p> <p>Tuberculosis</p> <p>Operating</p> <p>HTH</p> <p>35,00*</p> <p>792,908A</p> <p>10,00*</p> <p>196,780N</p> <p>35,00*</p> <p>797,941A</p> <p>10,00*</p> <p>200,931N</p> <p>1,590,849A</p> <p>397,711N</p>
2.	<p>HTH 111</p> <p>Leprosy</p> <p>Operating</p> <p>HTH</p> <p>80,00*</p> <p>1,997,006A</p> <p>96,000B</p> <p>353,000C†</p> <p>3,000C†</p> <p>80,00*</p> <p>2,302,626A†</p> <p>2,046,835A†</p> <p>96,000B</p> <p>C</p> <p>4,299,632A†</p> <p>4,043,841A†</p> <p>192,000B</p> <p>353,000C†</p> <p>3,000C†</p>
3.	<p>HTH 121</p> <p>Venereal Disease</p> <p>Operating</p> <p>HTH</p> <p>10,00*</p> <p>248,343A</p> <p>4,00*</p> <p>144,906N</p> <p>10,00*</p> <p>260,971A</p> <p>4,00*</p> <p>149,826N</p> <p>509,314A</p> <p>294,732N</p>
4.	<p>HTH 131</p> <p>Other Communicable Diseases</p> <p>Operating</p> <p>HTH</p> <p>10,00*</p> <p>203,866A</p> <p>2,00*</p> <p>65,444N</p> <p>10,00*</p> <p>208,051A</p> <p>2,00*</p> <p>68,317N</p> <p>411,917A</p> <p>133,761N</p>
5.	<p>HTH 139</p> <p>Supporting Services for Commun Diseases</p> <p>Operating</p> <p>HTH</p> <p>5,00*</p> <p>93,998A</p> <p>49,00*</p> <p>716,363A</p> <p>1,20*</p> <p>26,300N</p> <p>5,00*</p> <p>93,953A</p> <p>49,00*</p> <p>741,192A</p> <p>1,20*</p> <p>27,536N</p> <p>187,951A</p> <p>1,457,555A</p> <p>53,836N</p>
6.	<p>HTH 141</p> <p>Dental Diseases</p> <p>Operating</p> <p>HTH</p> <p>49,00*</p> <p>716,363A</p> <p>1,20*</p> <p>26,300N</p> <p>49,00*</p> <p>741,192A</p> <p>1,20*</p> <p>27,536N</p> <p>1,457,555A</p> <p>53,836N</p>

†Vetoed as indicated and initialed "GRA".

APPROPRIATIONS

Item No.	Program	Program ID	Exp. Agy.	FY		Total Biennium O 1979-81 F
				1979-80 F	1980-81 F	
7.	Chronic Diseases Operating	HTH 151	HTH	3.00*	3.00*	857,762A
				417,020A	440,742A	
8.	Nutrition Services Operating	HTH 160	HTH	2.00*	2.00*	177,428N
				88,427N	89,001N	
9.	Emergency Medical Services Operating	HTH 170	HTH	6.75*	6.75*	219,888A
				107,130A	112,758A	
			HTH	8.25*	8.25*	4,387,665N
				2,132,122N	2,255,543N	
10.	Sensory Deficiencies Operating	HTH 180	HTH	9.00*	9.00*	12,803,026A
				6,156,312A	6,646,714A	
			HTH	383,378N	383,378N	806,756N
11.	Family Planning Operating	HTH 185	HTH	33.00*	33.00*	2,026,718A
				857,098A	1,169,620A	
			HTH		N	366,960N
12.	School Health Services Operating	HTH 191	HTH	2.00*	2.00*	263,579A
				129,074A	134,505A	
			HTH	14.00*	14.00*	3,156,916N
				1,537,298N	1,619,618N	
			HTH	181.90*	183.20*	3,998,119A
				1,941,335A	2,056,784A	

13.	Health Care Services								
	Operating	HTH	43,00*	43,00*	801,894A	801,894A	59,00*	59,00*	1,590,511A
		HTH	788,617A	788,617A	1,751,183N	1,751,183N	782,847P	782,847P	3,804,499N
		HTH	1,751,183N	1,751,183N	826,480P	826,480P			1,609,327P
14.	HOSPITAL CARE								
	Hilo Hospital	HTH	2,154,738A	2,154,738A	2,430,969A	2,430,969A	511,20*	511,20*	4,585,707A
	Operating	HTH	511,20*	511,20*	9,172,000B	9,172,000B			18,271,000B
	Investment: Capital	AGS	15,000,000C	15,000,000C					15,000,000C
15.	Honokaa Hospital	HTH	468,945A	468,945A	482,039A	482,039A	46,00*	46,00*	950,984A
	Operating	HTH	46,00*	46,00*	509,145B	509,145B			1,006,285B
	Investment: Capital	AGS	25,000C	25,000C					25,000C
16.	Ka'u Hospital	HTH	328,704A	328,704A	333,233A	333,233A	30,00*	30,00*	661,937A
	Operating	HTH	30,00*	30,00*	285,820B	285,820B			569,037B
	Investment: Capital	AGS	105,000C	105,000C					105,000C
17.	Kohala Hospital	HTH	247,735A	247,735A	268,413A	268,413A	36,00*	36,00*	516,148A
	Operating	HTH	36,00*	36,00*	397,867B	397,867B			795,734B
	Investment: Capital	AGS	10,000C	10,000C					10,000C
18.	Kona Hospital	HTH	767,150A	767,150A	399,048A	399,048A	174,00*	174,00*	1,166,198A
	Operating	HTH	174,00*	174,00*	2,590,759B	2,590,759B	3,083,488B	3,083,488B	5,674,247B
	Investment: Capital	AGS	156,000C	156,000C					156,000C
19.	Maui Memorial Hospital	HTH	1,158,163A	1,158,163A	1,844,073A	1,844,073A	362,00*	362,00*	3,002,236A
	Operating	HTH	362,00*	362,00*	6,543,500B	6,543,500B			12,965,500B
	Investment: Capital	AGS	6,422,000B	6,422,000B					

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Item No.	Program	Program ID	Exp. Agy.	FY 1979-80		FY 1980-81		Total Biennium 1979-81
				M	O	M	O	
20.	Hana Medical Center Operating	HTH 222	HTH	169,502A 7.00*	176,650A 7.00*	346,152A		
21.	Investment: Capital Kula Hospital Operating	HTH 223	HTH	66,000B 40,000C	66,000B C	132,000B 40,000C		
22.	Lanai Hospital Operating	HTH 224	HTH	941,220A 179,00* 2,121,040B	1,017,469A 179,00* 2,121,040B	1,958,689A 4,242,080B		
23.	Kauai Veterans Memorial Hospital Operating	HTH 231	HTH	280,119A 19.50* 170,000B	287,789A 19.50* 180,000B	567,908A 350,000B		
24.	Investment: Capital Samuel Mahelona Memorial Hospital Operating	HTH 232	HTH	1,051,948A 131,00* 1,666,000B 26,000C	1,119,493A 131,00* 1,720,000B C	2,171,441A 3,386,000B 26,000C		
25.	Maluhia Hospital Operating	HTH 241	HTH	1,115,650A 143,00* 1,369,012B	1,159,978A 143,00* 1,369,012B	2,275,628A 2,738,024B		
26.	Investment: Capital Leahi Hospital Operating	HTH 242	HTH	379,823A 177,00* 2,900,000B 42,000C	491,191A 177,00* 2,900,000B C	871,014A 5,800,000B 42,000C		
			HTH	2,768,265A 310,00* 3,288,300B	2,853,099A 310,00* 3,326,700B	5,621,364A 6,615,000B		

27.	MENTAL HEALTH Community Based Services for MH Operating	HTH 401	362.00*	362.00*	6,799,269A	6,799,269A	13,340,428A
			6,541,159A	11.00*	1,819,533N	1,819,533N	4,149,181N
			2,329,648N	1,553,476P	1,475,306P		3,028,782P
28.	Hawaii State Hospital Operating Investment: Capital	HTH 430	348.00*	348.00*	5,835,623A	5,835,623A	11,503,896A
			5,668,273A	10,000C			10,000C
29.	General Support for MH Operating	HTH 495	40.50*	40.50*	834,756A	834,756A	1,664,732A
			829,976A	4.00*	75,437N		260,258N
			184,821N				
30.	MENTAL RETARDATION Early Identification & Treatment for MR Operating	HTH 500	56.85*	57.35*	798,892A	798,892A	1,578,432A
			779,540A	27.05*	792,491N	792,491N	1,561,017N
			768,526N	937,677P	972,214P		1,909,891P
31.	Community Based Services for MR Operating	HTH 501	37.00*	44.00*	1,491,508A	1,491,508A	2,922,212A
			1,430,704A	14.00*	152,498N		350,008N
			197,510N				
32.	Waimano Training School and Hospital Operating	HTH 511	581.00*	574.00*	8,786,644A	8,786,644A	17,464,371A
			8,677,727A	85,000N	85,000N		170,000N



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				1979-80 F	M O	1980-81 F	M O	
33.	COMMUNITY HEALTH SERVICES							
	Vector Control	HTH 601		86.00*		86.00*		
	Operating		1,198,257A	2,00*	1,210,342A	2,00*	2,408,599A	
34.	Sanitation & Substance Control	HTH 611		22,779X		22,909X		45,688X
	Operating		81.50*		81.50*			
			1,338,051A	1,00*	1,362,622A	1,00*	2,700,673A	
35.	Drinking Water Quality	HTH 621		131,004N		20,711N		151,715N
	Operating		3.00*		3.00*			
			49,442A	1.00*	50,240A	1.00*	99,682A	
36.	MEDICAL FACILITIES— STDS.INSPECTION.LICEN	HTH 701		207,020N		161,330N		368,350N
	Operating		5.00*		5.00*			
			103,100A	9.60*	102,370A	9.60*	205,470A	
37.	OVERALL PROGRAM SUPPORT	HTH 901		254,278N		262,532N		516,810N
	Laboratory Services							
	Operating		48.50*		48.50*			
			832,058A	6.00*	847,492A	6.00*	1,679,550A	
			109,675N		111,474N		221,149N	

38.	Public Health Nursing Services	HTH 902						
	Operating	HTH	135.00*	135.00*				
			2,454,594A	2,452,380A				4,906,974A
			4.00*	4.00*				
		HTH	30,000B	35,000B				65,000B
			4.00*	4.00*				
		HTH	115,620N	118,176N				233,796N
39.	Records, Data Collection and Research	HTH 903						
	Operating	HTH	35.00*	35.00*				
			608,045A	625,822A				1,233,867A
			2.00*	2.00*				
		HTH	36,892N	37,992N				74,884N
40.	Health Education	HTH 908						
	Operating	HTH	16.00*	16.00*				
			520,986A	526,514A				1,047,500A
			1.00*	1.00*				
		HTH	10,214N	10,661N				20,875N
41.	Comprehensive Health Planning	HTH 906						
	Operating	HTH	6.00*	6.00*				
			135,110A	138,352A				273,462A
			25.00*	25.00*				
		HTH	723,906N	745,310N				1,469,216N
42.	General Administration	HTH 907						
	Operating	HTH	109.00*	109.00*				
			2,383,998A	2,372,919A				4,756,917A
			13.00*	13.00*				
		HTH	561,051B	492,923B				1,053,974B
			6.50*	6.50*				
	Investment: Capital	HTH	202,614N	198,135N				400,749N
		AGS	25,000C					25,000C
43.	Private Hospitals & Medical Services	SUB 601						
	Operating	HTH	580,200A	525,372A				1,105,572A
	Investment: Capital	HTH	1,030,000C					1,030,000C

Item No.	Program	Program ID	Exp. Agy.	APPROPRIATIONS				Total Biennium 1979-81 F
				FY 1979-80 F	FY 1980-81 F	M O	M O	
<b>F. SOCIAL PROBLEMS</b>								
<b>ALLEVIATION OF INDIVIDUAL AND GROUP PROB</b>								
1.	Assistance to Families and/or Children Services to School-Age Hawaiians	HHL 601		4.05* 533,596B	4.05* 151,902B			685,498B
2.	Operating Services to Families and/or Children	SOC 101		51.14* 3,210,383A 103.36* 103.36* 7,106,550N	51.14* 3,750,910A 103.36* 103.36* 7,082,659N			6,961,293A 14,189,209N 182,770R 250,674U
3.	Assistance to Individual Adults	SOC 121		28.50* 1,466,513A 49.00* 49.00* 4,515,607N	28.50* 1,813,166A 49.00* 49.00* 4,554,891N			3,279,679A 9,070,498N 21,982R 1,313,290U
<b>ASSURED STANDARD OF LIVING</b>								
4.	Monetary Assistance for General Needs Payments to Assist Families with Depndnt Operating	SOC 201		36,948,019A 42,796,000N 7,593,981P	44,030,742A 44,022,418N 1,788,000P			80,978,761A 86,818,418N 9,381,981P
5.	Paymnts to Assist the Aged, Blind & Disa Operating	SOC 202		7,759,000A	8,174,000A			15,933,000A

6.	Paymnts to Assist in Child Welfr Foster Operating	SOC 203	SOC	1,297,000A	1,409,000A	2,706,000A
7.	Other General Assistance Payments Operating	SOC 204	SOC	22,407,000A	23,377,700A	45,784,700A
8.	Housing Assistance Rental Housing Augmentation and Assistan Operating	SOC 220	SOC	11,000* 1,168,130A 26.50*	11,000* 1,234,297A 26.50*	2,402,427A
			SOC	867,828B 182.00*	949,070B 182.00*	1,816,898B
			SOC	10,811,114N	11,350,963N	22,162,077N
	Investment: Capital		SOC	1,663,000C		1,663,000C
9.	Private Housing Augmentation Housing Loans to Native Hawaiians	HHL 611	HHL	36.66*	36.66*	1,910,628B
	Operating		HHL	987,976B	922,652B	6,482,000C
	Investment: Capital			6,482,000C		
10.	Private Housing Development & Ownership	SOC 225	SOC	24.00*	24.00*	1,296,281B
	Operating		AGS	636,600B	659,681B	180,000C
	Investment: Capital			180,000C		
11.	Broadened Homesite Ownership	SOC 223	SOC	1.00*	1.00*	112,815A
	Operating			54,927A	57,888A	
12.	Teacher Housing	SOC 807	SOC	5.50*	5.50*	262,460B
	Operating		AGS	131,187B	131,273B	20,000C
	Investment: Capital			20,000C		
13.	Housing Assistance Administration	SOC 229	SOC	5.00*	5.00*	164,455A
	Operating			81,359A	83,096A	467,228B
			SOC	9.50*	9.50*	684,615N
			SOC	226,380B	240,848B	10,000C
			SOC	16.50*	16.50*	
	Investment: Capital		AGS	344,232N	340,383N	
				10,000C		

APPROPRIATIONS

Item No.	Program	Program ID	Exp. Agy.	FY		FY		Total Biennium 1979-81 F	
				1979-80 F	M O	1980-81 F	M O		
14.	Health Care Payments Operating	SOC 230	SOC	63,121,485A 48,024,310N 4,392,000U		69,113,254A 52,442,540N 4,585,313U		132,234,739A 100,466,850N 8,977,313U	
15.	Veterans Cemeteries and Burial Payments Operating	SUB 806	HTH	36,250A		36,250A		72,500A	
16.	General Support For Assured Std of Livin Eligibility Determination Operating	SOC 236	SOC	313.50* 4,924,038A 220.50*		313.60* 5,125,202A 220.40*		10,049,240A 8,373,761N	
17.	Disability Determination Operating	SOC 238	SOC	52.00* 1,356,123N		52.00* 1,398,702N		2,754,825N	
OVERALL PROGRAM SUPPORT FOR SOCIAL PROBL									
18.	Progressive Neighborhoods Program Operating	GOV 859	GOV	7.00* 1,480,484A 330,598N		7.00* 1,446,607A 346,324N		2,927,091A 676,922N	
19.	Hawaii Office of Economic Opportunity Operating	GOV 860	GOV	4.00* 1,360,674A 4.00*		4.00* 1,472,144A 4.00*		2,832,818A 232,000N	
20.	Plan. Program Dev & Coord of Svcs for C & Operating	GOV 861	GOV	9.00* 254,207A 13,572N		9.00* 249,921A N		504,128A 13,572N	

21.	Plan,Program Dev & Coord of Svcs for Eld	GOV	602			5.80*	5.80*		1,154,018A	
	Operating	GOV				546,730A 8.20*	607,288A 8.20*			
	Investment: Capital	GOV				3,643,979N	3,643,979N		7,279,017N	
	General Support for Public Welfare	GOV				500,000P	500,000P		1,000,000P	
		AGS				45,000C			45,000C	
22.		SOC	903							
	Operating	SOC				30.64* 1,802,686A 38.36*	31.44* 1,859,456A 39.56*		3,662,142A	
	Investment: Capital	SOC				2,390,999N	2,559,526N		4,950,525N	
	General Administration	AGS				172,000C			172,000C	
23.		SOC	904							
	Operating	SOC				156.00* 2,547,049A	156.00* 2,626,337A		5,173,386A	
<b>G. FORMAL EDUCATION</b>										
<b>LOWER EDUCATION</b>										
1.	Instruction									
	Regular Instruction Program	EDN	105			6,448.50* 124,281,018A 14,424,207N	6,358.50* 121,725,905A 16,662,281N		246,006,923A 31,086,488N 19,276,000C†	
	Operating	EDN				19,030,000C†			19,030,000C†	
	Investment: Capital	AGS								
2.	Other Regular Instruction Programs	EDN	106			545.50* 11,982,372A 730,683B	545.50* 12,159,157A 734,945B		24,141,529A 1,465,628B 180,000N	
	Operating	EDN				90,000N	90,000N			
3.	Exceptional Child Program	EDN	107			909.00* 16,793,590A 33,160B	911.50* 18,082,176A 45,168B		34,875,766A 78,328B 2,301,776N	
	Operating	EDN				1,150,888N	1,150,888N		2,301,776N	
	Investment: Capital	AGS				418,000C			418,000C	

†Vetoed as indicated and initialed "GRA".

APPROPRIATIONS

Item No.	Program	Program ID	Exp. Agy.	FY		Total Biennium O 1979-81 F
				1979-80 F	1980-81 F	
4.	Compensatory Education	EDN 108		108.00*	108.00*	
	Operating		EDN	4,886,576A	5,011,445A	9,898,021A
	Investment: Capital		AGS	13,773,789N	14,849,448N	28,623,237N
				292,000C	C	292,000C
5.	Instructional Administration and Support					
	School Administration	EDN 203		796.50*	800.50*	
	Operating		EDN	15,405,714A	15,738,521A	31,144,235A
	Investment: Capital		AGS	1,794,000C	C	1,794,000C
6.	Instructional Media	EDN 204		257.50*	259.50*	
	Operating		EDN	6,089,699A	6,259,543A	12,349,242A
	Investment: Capital		AGS	738,033N	797,076N	1,535,109N
				191,000C	C	191,000C
7.	Instructional Development	EDN 205		107.00*	107.00*	
	Operating		EDN	4,011,606A	4,138,131A	8,149,737A
			EDN	1,126,975N	1,154,643N	2,281,618N
8.	Counseling	EDN 206		276.50*	277.50*	
	Operating		EDN	5,534,067A	5,619,383A	11,153,450A
	Student Activities	EDN 207		781,038A	831,125A	1,612,163A
	Investment: Capital		AGS	2,134,000C	C	2,134,000C
10.	Psychological & School Social Work Servi	EDN 208		155.00*	155.00*	
	Operating		EDN	2,959,461A	3,151,440A	6,110,901A

INSTITUTIONAL ADMINISTRATION AND SUPPORT

11.	State Administration	EDN 303							
	Operating	EDN	211.00*	211.00*	5,393,668A	5,393,668A	562,667N	10,679,502A	1,117,761N
		EDN	5,285,834A	555,094N					
12.	District Administration	EDN 304							
	Operating	EDN	215.00*	215.00*	5,685,574A	5,685,574A		11,311,970A	
		EDN	5,626,396A						
13.	School Food Services	EDN 305							
	Operating	EDN	199.50*	199.50*	8,698,601A	8,698,601A	711.50*	17,212,004A	
		EDN	8,513,403A	711.50*	6,276,844B	6,276,844B	10,629,491N	12,609,129B	20,800,265N
		EDN	6,332,285B	10,170,774N					
14.	Safety and Security Services	EDN 306							
	Operating	EDN	1,335,319A	1,511,896A				2,847,215A	
15.	Physical Plant Operations & Maintenance—	EDN 307							
	Operating	EDN	1,001.10*	1,010.10*	19,459,895A	19,459,895A		37,906,241A	
		EDN	18,446,346A						
16.	Physical Plant Operations & Maintenance—	AGS 807							
	Operating	AGS	218.00*	218.00*	9,367,242A	9,367,242A		18,421,434A	
		AGS	9,054,192A						
17.	Student Transportation	AGS 808							
	Operating	AGS	6.00*	6.00*	10,170,436A	10,170,436A		19,512,993A	
		AGS	9,342,557A						
18.	Public Service	EDN 406							
	Adult Education	EDN	23.00*	23.00*	1,589,722A	1,589,722A		3,170,452A	
	Operating	EDN	1,580,730A	1.00*	568,793B	568,793B	1.00*	1,113,046B	
		EDN	544,253B	1.00*	414,952N	414,952N		819,423N	
		EDN	404,471N						



APPROPRIATIONS

Item No.	Program	Program ID	Exp. Agy.	FY O		FY M		Total Biennium O 1979-81 F
				1979-80 F	1980-81 F	1980-81 F	1980-81 F	
19.	Public Libraries	EDN 407		435.30*	436.30*			
	Operating	EDN	EDN	8,752,704A	8,931,021A			17,683,725A
	Investment Capital	AGS	AGS	430,493N <del>209,000</del> † 179,000C†	430,493N C			860,986N <del>209,000</del> † 179,000C†
20.	HIGHER EDUCATION University of Hawaii, Manoa Instruction—UOH, Manoa	UOH 101		1,514.54*	1,514.54*			
	Operating	UOH	UOH	39,378,534A 21.00*	40,690,711A 21.00*			80,069,245A
	Investment: Capital	UOH	AGS	3,416,585B 7.15*	3,515,768B 7.15*			6,932,353B
		UOH	AGS	721,276N 7,233,000C	721,276N C			1,442,552N 7,233,000C
21.	Organized Research—UOH, Manoa	UOH 102		471.57*	471.57*			
	Operating	UOH	UOH	13,518,855A 34.42*	13,999,860A 34.42*			27,518,715A
	Investment: Capital	UOH	AGS	1,229,607N 235,000W 5,767,000C	1,342,481N C 240,000W C 1,000,000E			2,572,088N 475,000W 5,767,000C
		AGS	AGS	1,000,000E				1,000,000E

† Vetoed as indicated and initialed "GRA".

22.	Public Service—UOH, Manoa	UOH 103	90.41*	90.41*		
	Operating	UOH	2,580,082A	2,672,674A	5,252,756A	
		UOH	5.00*	5.00*	1,856,192B	
		UOH	917,381B	938,311B	2,273,898N	
		UOH	43.64*	43.64*	67,000W	
		UOH	1,106,372N	1,167,526N		
		UOH	32,000W	35,000W		
23.	Academic Support—UOH, Manoa	UOH 104	345.27*	345.27*		
	Operating	UOH	8,415,206A	8,850,151A	17,265,357A	
		UOH	10.00*	10.00*	1,158,228B	
		UOH	575,564B	582,664B	1,298,110W	
		UOH	6.00*	6.00*	131,000C	
	Investment: Capital	AGS	630,151W	667,959W		
		AGS	131,000C			
24.	Student Services—UOH, Manoa	UOH 105	155.75*	155.75*		
	Operating	UOH	3,468,571A	3,623,544A	7,092,115A	
		UOH	140,147B	146,940B	287,087B	
		UOH	703,403N	703,403N	1,406,806N	
		UOH	115.50*	115.50*	24,824,239W	
		UOH	12,174,652W	12,649,587W		
		UOH	26.00*	26.00*	4,923,189X	
	Investment: Capital	AGS	2,431,010X	2,492,179X	1,342,000C	
		AGS	1,342,000C			
25.	Institutional Support—UOH, Manoa	UOH 106	339.00*	339.00*		
	Operating	UOH	10,122,928A	10,877,028A	20,999,956A	
		UOH	12.00*	12.00*	1,063,217B	
		UOH	518,399B	544,818B	3,088,724W	
		UOH	6.00*	6.00*	2,462,000C	
	Investment: Capital	AGS	1,524,729W	1,563,995W		
		AGS	2,462,000C			

APPROPRIATIONS

Item No.	Program	Program ID	Exp. Agy.	APPROPRIATIONS			Total Biennium 1979-81 F
				FY 1979-80 F	FY 1980-81 F	M O	
26.	University of Hawaii, Hilo Instruction—UOH, Hilo Operating	UOH 211	UOH	186.50*	188.50*		8,652,725A
				4,182,243A	4,470,482A		826,969B
				404,920B	422,049B		320,000N
				160,000N	160,000N		283,800W
	Investment: Capital		AGS	1,696,000C			1,696,000C
27.	Public Service—UOH, Hilo Operating	UOH 213	UOH	30,475A	30,649A		61,124A
				133,512B	139,488B		273,000B
28.	Academic Support—UOH, Hilo Operating	UOH 214	UOH	42.00*	42.00*		2,230,324A
				1,103,152A	1,127,172A		
				7.00*	7.00*		338,138B
				165,312B	172,826B		1,438,000C
	Investment: Capital		AGS				
29.	Student Services—UOH, Hilo Operating	UOH 215	UOH	22.00*	22.00*		1,243,521A
				613,667A	629,854A		188,000N
				94,000N	94,000N		
				6.00*	6.00*		939,449W
	Investment: Capital		UOH	479,625W			124,906X
			AGS	64,230X			
30.	Institutional Support—UOH, Hilo Operating	UOH 216	UOH	36.00*	37.00*		2,034,351A
				976,049A	1,058,302A		25,316B
			UOH	13,024B			

31.	Honolulu Community College Instruction—Honolulu Community College	UOH 301	Operating	123.00*	123.00*	5,915,577A
			Investment: Capital	2,930,056A 100,000N 142,000W 671,000C	2,985,521A 100,000N 142,000W C	200,000N 284,000W 671,000C
32.	Public Service—Honolulu Community Colle	UOH 302	Operating	7.00*	7.00*	899,907A
			Investment: Capital	444,970A 50,000B	454,937A 50,000B	100,000B
33.	Academic Support—Honolulu Community Col	UOH 303	Operating	27.00*	27.00*	1,023,265A
			Investment: Capital	502,043A	521,222A	
34.	Student Services—Honolulu Community Col	UOH 304	Operating	19.00*	19.00*	750,806A
			Investment: Capital	368,148A 111,000N 4,000W	382,658A 111,000N 4,000W	222,000N 8,000W
35.	Institutional Support—Honolulu CC	UOH 305	Operating	36.00*	36.00*	2,246,092A
			Investment: Capital	1,087,615A 27,000B 53,000W 124,000C	1,158,477A 27,000B 53,000W C	54,000B 106,000W 124,000C
36.	Kapiolani Community College Instruction—Kapiolani Community College	UOH 311	Operating	107.00*	107.00*	5,835,507A
			Investment: Capital	2,837,002A 75,000N 3,00* 198,353W	2,998,505A 75,000N 3,00* 209,729W	150,000N 408,082W

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Item No.	Program	Program ID	Exp. Agy.	FY		FY		Total Biennium O 1979-81 F
				1979-80 F	M 1980-81 F	M 1980-81 F	O 1979-81 F	
37.	Public Service—Kapiolani Community College Operating	UOH 312	UOH	1.00*	1.00*	42.012A	84.621A	
				42.609A	1.00*	50.384B	100.384B	
				50.000B				
38.	Academic Support—Kapiolani Community College Operating	UOH 313	UOH	16.00*	16.00*	430.855A	864.426A	
				433.571A				
39.	Student Services—Kapiolani Community College Operating	UOH 314	UOH	17.00*	17.00*	367.263A	731.936A	
				364.673A	150.000N	6,500W	275.000N	
				125.000N			12.750W	
				6.250W				
40.	Institutional Support—Kapiolani CC Operating	UOH 315	UOH	26.50*	26.50*	767.154A	1,513.896A	
				746.742A	2,000B	58,000W	4,000B	
				2,000B			113,000W	
41.	Leeward Community College Instruction—Leeward Community College Operating	UOH 321	UOH	143.00*	143.00*	3,318.850A	6,542.251A	
				3,223.401A	40,000N	2,00*	80,000N	
				40,000N			263,000W	
				2,00*			85,000C	
42.	Investment: Capital Public Service—Leeward Community College Operating	UOH 322	UOH	5.00*	5.00*	264.411A	521.746A	
				257.335A	1.00*	50.904B	100.904B	
				1.00*				

43.	Academic Support—Leeward Community Colle	UOH 323							
	Operating	UOH	25.00*	25.00*	550,827A	1,080,200A			
44.	Student Services—Leeward Community Colle	UOH 324							
	Operating	UOH	29.00*	29.00*	602,335A	1,179,839A			
		UOH	577,504A	25,000B	125,000N	50,000B			
		UOH	7,200W	7,800W	7,800W	250,000N			
		UOH				15,000W			
45.	Institutional Support—Leeward CC	UOH 325							
	Operating	UOH	49.50*	49.50*	1,222,923A	2,368,335A			
		UOH	1,145,412A						
46.	Windward Community College								
	Instruction—Windward Community College	UOH 331							
	Operating	UOH	44.50*	47.50*	1,026,651A	1,970,324A			
		UOH	943,673A	3,000W	3,000W	5,000W			
47.	Public Service—Windward Community Colleg	UOH 332							
	Operating	UOH	1.00*	1.00*	18,869A	37,448A			
		UOH	18,579A	20,000B	20,000B	40,000B			
48.	Academic Support—Windward Community Coll	UOH 333							
	Operating	UOH	10.00*	10.00*	264,949A	527,976A			
		UOH	263,027A						
49.	Student Services—Windward Community Coll	UOH 334							
	Operating	UOH	6.00*	6.00*	135,812A	271,886A			
		UOH	136,074A	57,000N	57,000N	112,480N			
		UOH	55,480N	2,300W	2,300W	4,600W			
50.	Institutional Support—Windward CC	UOH 335							
	Operating	UOH	13.00*	13.00*	297,530A	587,791A			
		UOH	290,261A	1,00*	1,00*	70,000W			
		UOH	35,000W	35,000W	35,000W				

APPROPRIATIONS

Item No.	Program	Program ID	Exp. Agy.	FY		FY		Total Biennium O
				1979-80	M O	1980-81	F O	
51.	Maui Community College Instruction—Maui Community College Operating	UOH 501	UOH UOH	61.50*		61.50*		2,773,596A
				1,367,596A		1,406,000A		100,000N
				50,000N		50,000N		
	Investment: Capital		UOH AGS	2.00*		2.00*		226,719W
				106,268W		120,451W		125,000C
				125,000C				
52.	Public Service—Maui Community College Operating	UOH 502	UOH UOH	2.50*		2.50*		173,040A
				86,132A		86,908A		30,000B
				15,000B		15,000B		
53.	Academic Support—Maui Community College Operating	UOH 503	UOH	9.00*		9.00*		453,455A
				223,158A		230,297A		
54.	Student Services—Maui Community College Operating	UOH 504	UOH UOH UOH	8.50*		8.50*		436,266A
				214,406A		221,860A		
				.50*		2.00*		
				20,560B		316,151B		336,711B
				108,000N		118,000N		226,000N
				3,830W		5,400W		9,230W
55.	Institutional Support—Maui Community Col Operating Investment: Capital	UOH 505	UOH UOH AGS	17.00*		17.00*		1,057,503A
				500,692A		556,811A		6,000B
				3,000B		3,000B		238,000C

56.	Kauai Community College Instruction—Kauai Community College Operating	UOH 601	46.00* 950,345A 30,000N 7,220W	47.00* 997,874A 30,000N 7,220W	1,948,219A 60,000N 14,220W
57.	Public Service—Kauai Community College Operating	UOH 602	.50* 13,772A 15,000B	.50* 14,111A 15,000B	27,883A 30,000B
58.	Academic Support—Kauai Community College Operating	UOH 603	10.50* 278,146A	10.50* 290,770A	568,916A
59.	Student Services—Kauai Community College Operating	UOH 604	8.00* 172,339A 36,000N 2,000W	8.00* 179,856A 36,000N 2,000W	352,395A 72,000N 4,000W
60.	Institutional Support—Kauai CC Operating Investment: Capital	UOH 605	24.50* 862,451A 15,000B 126,000C	24.50* 915,731A 15,000B C	1,778,182A 30,000B 126,000C
61.	West Oahu College Instruction—West Oahu College Operating	UOH 701	9.00* 191,700A	9.00* 197,115A	388,815A
62.	Academic Support—West Oahu College Operating	UOH 704	3.50* 102,672A	3.50* 107,638A	210,310A
63.	Student Services—West Oahu College Operating	UOH 705	2.00* 58,118A	2.00* 61,212A	119,330A



APPROPRIATIONS

Item No.	Program	Program ID	Exp. Agy.	FY 1979-80		FY 1980-81		Total Biennium 1979-81
				FY 1979-80	M O F	FY 1980-81	M O F	
64.	Institutional Support—West Oahu College Operating	UOH 706	UOH	4.00*		4.00*		448,257A
65.	Higher Education State-Wide Support Academic Support—UOH, System-Wide Support	UOH 901	UOH UOH	28.00*	1,873,700A 675,363T	28.00*	1,964,072A 758,306T	3,837,772A 1,433,669T
66.	Student Services—UOH, System-Wide Support	UOH 902	UOH	4.00*	455,611A	4.00*	480,941A	936,552A
67.	Institutional Sppt—UOH, System-Wide Sppt Operating	UOH 903	UOH	181.75*	4,107,809A	181.75*	4,291,006A	8,398,815A
68.	Vocational Education, Statewide Coordinat Operating	UOH 904	UOH	7.00*	120,355A 6,000*	7.00*	126,078A 6,000*	246,433A
69.	Statewide Plan & Coord for Post-Secondar Operating	UOH 905	UOH	272.234N		319,285N		591,519N
70.	Community College Systemwide Support Operating	UOH 906	UOH UOH	272.934A		287,130A		560,064A
			UOH	29.75*	763,758A 16,000*	29.75*	797,516A 16,000*	1,561,274A
			UOH	795,000B 39,500*		820,000B 39,500*		1,615,000B
			UOH	1,536,780N 75,000W		1,604,161N 75,000W		3,140,941N 150,000W

71.	Western Interstate Commission for Higher Operating	GOV 807	870.200A	920.000A	1,790,200A
<b>H. CULTURE AND RECREATION</b>					
<b>CULTURAL ACTIVITIES</b>					
Collections, Historical Sites and Studies					
1.	Cultural History & Humanities Investment: Capital	BUF 802			
2.	Hawaii Public Broadcasting	REG 701	50.000C	C	50.000C
	Operating		36.00*	36.00*	
	Investment: Capital	REG	1,171,342A	1,006,509A	2,177,851A
		REG	1,00*	1,00*	
		AGS	603,768W	623,076W	1,226,844W
		AGS	402,000C	C	402,000C
3.	Historical & Archaeological Places	LNR 801			
	Operating		18.00*	18.00*	
	Investment: Capital	LNR	466,778A	457,337A	924,115A
		LNR	635,000C	C	635,000C
4.	Pacific War Memorial System	DEF 808			
	Operating		5.941A	A	5.941A
5.	Aquaria	UOH 881			
	Operating		11.00*	11.00*	
		UOH	204,490A	212,648A	417,138A
6.	Cultural and Artistic Events	BUF 881			
	Performing & Visual Arts Events				
	Operating		7.00*	7.00*	
		BUF	592,681A	546,936A	1,139,617A
		BUF	543,260N	543,260N	1,086,520N
		BUF	80,000R	80,000R	160,000R
		BUF	20,000X	X	20,000X
7.	Ethnic Group Presentations	AGS 818			
	Operating		34,269A	36,713A	70,982A
		AGS	7,500B	7,500B	15,000B

APPROPRIATIONS

Item No.	Program	Program ID	Exp. Agy.	FY 1979-80 M O F	FY 1980-81 M O F	Total Biennium 1979-81 M O F
<b>RECREATIONAL ACTIVITIES</b>						
8.	Outdoor Activities Forest Recreation Operating	LNR 804	LNR	28.00* 352,944A 84,000B 136,231N 177,000C	28.00* 347,386A 84,000B 138,991N C	700,330A 168,000B 275,222N 177,000C
9.	Investment: Capital Aquatic Recreation Operating	LNR 805	LNR	16.00* 266,470A 20,000B 134,924N 31,000C	16.00* 239,107A 20,000B 139,569N C	505,577A 40,000B 274,493N 31,000C
10.	Parks Recreation Operating Investment: Capital	LNR 806	LNR	99.00* 1,854,869A 3,861,000C	100.00* 1,671,336A C	3,526,205A 3,861,000C
11.	Ocean-Based Recreation Operating Investment: Capital	TRN 801	TRN	39.50* 1,920,630B 80,000B 868,000C 320,000D	41.50* 2,066,383B B C D	3,987,013B 80,000B 868,000C 320,000D
12.	Spectator Events & Shows—Aloha Stadium Operating Investment: Capital	BUF 889	BUF	473,329A 34,00* 975,853B 1,287,000C 910,000M	560,507A 34,00* 919,196B C M	1,033,836A 1,895,049B 1,287,000C 910,000M

13. GENERAL ADMIN FOR CULTURE & RECREATION  
 LNR 809

Operating	LNR	24.50*	24.50*	838,792A
	LNR	421,994A	416,798A	6,263,762N
Investment: Capital	LNR	3,129,903N	3,133,859N	65,000A
	LNR	65,000A	A	40,000N
	LNR	40,000N	N	

1. PUBLIC SAFETY  
 SAFETY FROM CRIMINAL ACTIONS

1. Intake Service Centers	GOV 894			
Operating	GOV	31.60*	34.00*	1,663,357A
		943,713A	719,644A	
		2.40*	.00*	
	GOV	490,482N	37,671N	528,153N
2. Confinement Juvenile Correctional Facilities	SOC 401			
Operating	SOC	77.00*	77.00*	3,588,635A
Investment: Capital	AGS	1,802,357A	1,786,278A	264,000C
		264,000C	C	
3. High Security Facility	SOC 402			
Operating	SOC	134.00*	134.00*	4,307,525A
Investment: Capital	SOC	2,081,931A	2,225,594A	190,196B
	AGS	95,088B	95,108B	1,257,000C
		1,257,000C	C	
4. Kulani Correctional Facility	SOC 403			
Operating	SOC	36.83*	36.83*	1,728,134A
		865,607A	862,527A	
5. In-Community Facilities	SOC 404			
Operating	SOC	15.00*	15.00*	656,926A
		362,407A	294,519A	
6. Hawaii Community Correctional Center	SOC 405			
Operating	SOC	29.00*	29.00*	1,032,160A
		506,024A	526,136A	

APPROPRIATIONS

Item No.	Program	Program ID	Exp. Agy.	FY 1979-80 F	M O	FY 1980-81 F	M O	Total Biennium 1979-81 F
7.	Maui Community Correctional Center Operating	SOC 406	SOC	25.00* 472,902A		25.00* 493,093A		965,995A
8.	Oahu Community Correctional Center Operating Investment: Capital	SOC 407	SOC AGS	294.80* 5,461,713A 1,400,000C		317.80* 5,816,229A C		11,277,942A 1,400,000C
9.	Kauai Community Correctional Center Operating	SOC 408	SOC	23.00* 428,146A		23.00* 439,472A		867,618A
10.	Social Rehabilitation of Confined Adults Operating	UOH 859	UOH UOH UOH	6.00* 143,061A 34,027N 2,000W		6.00* 149,722A 34,027N 2,000W		292,783A 68,054N 4,000W
11.	Parole Supervision and Counseling Adult Parole Determinations	SOC 411	SOC	2.00* 60,335A		2.00* 60,635A		120,970A
12.	Adult Parole Supervision and Counseling Operating	SOC 413	SOC	19.00* 297,960A		19.00* 302,150A		600,110A
13.	Criminal Injuries Compensation Operating	SOC 414	SOC	3.00* 86,357A		3.00* 68,732A		155,089A
14.	General Support—Criminal Action Criminal Data and Crime Statistics Operating	ATG 191	ATG	9.00* 149,962A		9.00* 154,340A		304,302A

15.	Criminal Justice Planning & Prg Implementat	GOV	893						
	Operating	GOV		4.16*	309,668A	4.16*	309,668A	600,526A	
		GOV		7.84*	2,592,990N	7.84*	2,592,990N	4,985,980N	
16.	General Adm—Confinement	SOC	493						
	Operating	SOC		15.00*	283,697A	15.00*	286,196A	569,893A	
	Investment: Capital	AGS		200,000C				200,000C	
17.	SAFETY FROM PHYSICAL DISASTERS								
	Prevention of Natural Disasters	LNR	810						
	Operating	LNR		3.00*	93,538A	3.00*	94,752A	188,290A	
18.	Amelioration of Natural Disasters	DEF	110						
	Operating	DEF		110.00*	2,290,933A	110.00*	2,342,867A	4,633,800A	
	Investment: Capital	DEF		19.50*	609,062N	19.50*	618,919N	1,227,981N	
		AGS		319,000C				319,000C	
		AGS		362,000N				362,000N	
<b>J. INDIVIDUAL RIGHTS</b>									
<b>PROTECTION OF THE CONSUMER</b>									
1.	Testing & Certification of Consumer Good	AGR	810						
	Operating	AGR		28.00*	481,970A	28.00*	488,359A	970,329A	
		AGR		559,832N				1,127,803N	
2.	Regulation of Services	REG	103						
	Communication, Utilities & Transportation	REG		46.00*	817,409A	46.00*	831,956A	1,649,365A	
	Operating	REG		5.00*	180,004X	5.00*	176,013X	356,017X	

APPROPRIATIONS

Item No.	Program	Program ID	Exp. Agy.	FY		FY		Total Biennium O 1979-81 F
				1979-80 F	M O	1980-81 F	M O	
3.	Banking Services	REG 104		28.00*		28.00*		1,000,093A
	Operating		REG	493,686A		506,407A		
4.	Insurance Services	REG 106		30.00*		30.00*		1,142,854A
	Operating		REG	564,124A		578,730A		
5.	Professional, Vocational & Personal Svcs	REG 105		51.00*		51.00*		2,333,632A
	Operating		REG	1,190,217A		1,143,415A		
6.	Enforcement of Fair Business Practices Business Registration	REG 111		1.00*		1.00*		93,930X
	Operating		REG	46,965X		46,965X		
7.	Weights & Measures	AGR 812		12.00*		12.00*		503,833A
	Operating		REG	261,548A		242,285A		
8.	Offc of Consumer Prot—Adv & Terms of S	GOV 110		20.00*		20.00*		724,368A
	Operating		AGR	351,095A		373,273A		
			AGR	100,921W		118,852W		219,773W
9.	General Support—Protection of the Consum	REG 191		28.00*		28.00*		1,026,476A
	Operating		GOV	505,233A		521,243A		
			REG	27.00*		27.00*		1,171,583A
				581,123A		590,460A		
10.	LEGAL & JUDICIAL PROTECTION OF RIGHTS Legal Assistance in Criminal Actions	GOV 821		63.00*		63.00*		2,937,941A
	Operating		GOV	1,471,415A		1,466,526A		

11.	Conveyances and Recordings	LNR 111		43,00*	43,00*	662,057A	1,334,809A
	Operating	LNR		672,752A			
12.	Commission on the Status of Women	BUF 888		2,00*	2,00*	30,893A	60,920A
	Operating	BUF		30,027A			
<b>K. GOVERNMENT-WIDE SUPPORT</b>							
EXEC DIRECTN, COORD, & POLICY DEVELOPMEN							
1.	Office of the Governor	GOV 100		41,00*	41,00*	1,298,039A	2,568,791A
	Operating	GOV		1,270,752A			1,000,000C
	Investment: Capital	GOV		1,000,000C			
2.	Office of the Lieutenant Governor	LTG 100		21,00*	21,00*	1,660,502A	2,563,161A
	Operating	LTG		902,659A			
3.	Policy Development and Coordination	BUF 101		67,00*	67,00*	2,079,068A	3,995,432A
	Buf—Prgrm Planng, Analysis & Budgeting	BUF		1,916,364A			7,198B
	Operating	BUF		4,708B			155,000C
	Investment: Capital	AGS		155,000C			
4.	Land Use, Statewide Plan and Coordinatio	PED 103		46,00*	46,00*	1,474,046A	2,971,984A
	Operating	PED		1,497,938A			2,00*
	Investment: Capital	PED		2,00*			1,451,523N
	Gov—Oth Policy Development & Coordinat	PED		1,862,000C			1,862,000C
5.	Operating	GOV 102		16,00*	16,00*	845,287A	1,672,766A
	Operating	GOV		827,479A			



Item No.	Program	Program ID	Exp. Agy.	APPROPRIATIONS				Total Biennium 1979-81 F
				FY 1979-80 F	FY 1980-81 F	M O	M O	
FISCAL MANAGEMENT								
6.	Revenue Collection Property Tax Assessment Operating	TAX 101	TAX	115.40* 1,977,275A	115.40* 2,005,649A			3,982,924A
7.	Income Assessment and Audit Operating	TAX 102	TAX	159.30* 2,662,969A	160.30* 2,684,338A			5,347,307A
8.	Tax Collection Operating	TAX 103	TAX	79.30* 1,168,310A	79.30* 1,174,462A			2,342,772A
9.	Supporting Services—Revenue Collection Operating	TAX 107	TAX	79.00* 2,288,781A	79.00* 2,316,913A			4,605,694A
10.	Fiscal Procedures and Control Acct System Development & Maintenance	AGS 101	AGS	8.00* 170,369A	8.00* 173,367A			343,736A
11.	Expenditure Examination Operating	AGS 102	AGS	21.00* 499,455A	22.00* 520,805A			1,020,260A
12.	Recording and Reporting Operating	AGS 103	AGS	13.00* 234,025A	13.00* 242,905A			476,930A
13.	Internal Post Audit Operating	AGS 104	AGS	18.00* 462,164A	18.00* 447,957A			910,121A

14.	Cash and Debt Management	BUF	110							
	Operating	BUF		16.00*	16.00*					
		BUF		151,794,466A	169,254,824A				321,049,290A	
		BUF		328,399B	316,566B				644,965B	
		BUF		27,500U	27,500U				55,000U	
15.	GENERAL SERVICES									
	Legal Services	ATG	100							
	Operating	ATG		77.30*	77.30*					
		ATG		2,653,659A	2,702,190A				5,355,849A	
		ATG		11.70*	11.70*					
		ATG		351,038N	356,652N				707,690N	
		ATG		23.00*	23.00*					
		ATG		517,677U	550,310U				1,067,987U	
16.	Electronic Data Processing Services	BUF	131							
	Operating	BUF		203.20*	203.20*					
		BUF		5,047,142A	5,019,200A				10,066,342A	
		BUF		21.80*	21.80*					
		BUF		1,265,920U	1,288,660U				2,554,580U	
17.	Records Management	AGS	111							
	Operating	AGS		23.00*	23.00*					
		AGS		304,884A	303,706A				608,590A	
18.	Personnel Services									
	Work Force Attr, Select, Class, & Effect	PER	102							
	Operating	PER		70.00*	70.00*					
		PER		1,428,834A	1,445,847A				2,874,681A	
19.	Supporting Services-Personnel Services	PER	191							
	Operating	PER		15.00*	15.00*					
		PER		470,121A	487,634A				957,755A	
20.	Employee Fringe Benefit Administration									
	Retirement	BUF	141							
	Operating	BUF		22.94*	22.94*					
		BUF		60,617,540A	70,022,021A				130,639,561A	
		BUF		8.06*	8.06*					
		BUF		229,275S	235,094S				464,369S	

APPROPRIATIONS

Item No.	Program	Program ID	Exp. Agy.	FY		FY 1980-81 F	Total Biennium 1979-81 F
				M O	M O		
21.	Group Life Insurance, Med, Hosp & Dntl Bn Operating	BUF 142	BUF BUF	11.00*	11.00*	17,654,346A	33,351,586A
				8,211,200S	9,331,600S	17,542,800S	
22.	Property Management Public Lands Management	LNR 101	LNR LNR	34.00*	34.00*	590,088A	1,185,944A
				374,666C†	296,000C†	374,666C†	296,000C†
23.	Insurance Management Operating	AGS 203	AGS AGS	2,399,275A	2,428,705A	469,650U	4,827,980A
				469,650U	516,750U	986,400U	
24.	Land Survey Operating	AGS 211	AGS	30.00*	30.00*	605,122A	1,162,751A
				605,122A	557,629A		
25.	Facilities Construction and Maintenance Construction	AGS 221	AGS AGS	20.00*	20.00*	398,585A	799,714A
				70,000A	401,129A	70,000A	70,000A
26.	Custodial Services Operating	AGS 231	AGS AGS	138.50*	138.50*	3,733,400A	7,699,573A
				216,200U	230,000U	446,200U	446,200U

†Vetted as indicated and initiated "GRA".

27.	Grounds Maintenance	AGS	232						
	Operating	AGS		38.00*	39.00*	440,501A	505,902A	946,403A	
28.	Building Repairs and Alterations	AGS	233						
	Operating	AGS		23.00*	23.00*	1,214,201A	717,881A	1,932,082A	
29.	Purchasing and Supplies Central Purchasing	AGS	240						
	Operating	AGS		14.00*	14.00*	206,437A	210,673A	417,110A	
		AGS		19,186W	20,337W			39,523W	
30.	Surplus Property Management	AGS	244						
	Operating	AGS		5.00*	5.00*	123,855W	124,993W	248,848W	
31.	Motor Pool	AGS	251						
	Operating	AGS		8.50*	8.50*	326,197W	341,777W	667,974W	
32.	Parking Control	AGS	252						
	Operating	AGS		12.50*	12.50*	346,813W	413,066W	759,879W	
33.	Communication	AGS	263						
	Operating	AGS		13.00*	13.00*	1,187,133A	1,208,420A	2,395,553A	
		AGS		379,602U	379,602U			759,204U	
34.	Capitol Building Security	ATG	801						
	Operating	ATG		44.00*	44.00*	534,142A	541,121A	1,075,263A	
35.	Other State Buildings Security	AGS	301						
	Operating	AGS		10.00*	10.00*	101,629A	102,920A	204,549A	
36.	Genrl Adm Svcs—Accounting & General Sv	AGS	901						
	Operating	AGS		39.00*	39.00*	708,763A	712,738A	1,421,501A	

Item No.	Program	Program ID	Exp. Agy.	APPROPRIATIONS		Total Biennium 1979-81 F
				FY 1979-80 F	FY 1980-81 F	
37.	Subsidies to Counties Grants in Aid to Counties Operating	SUB 101	BUF	19,447,551A	19,447,551A	38,895,102A
38.	County Capital Improvement Projects City & County of Honolulu Investment: Capital	SUB 201	CCH CCH	4,137,000C 468,000S	C S	4,137,000C 468,000S
39.	County of Hawaii Investment: Capital	SUB 301	COH	1,862,000C	C	1,862,000C
40.	County of Maui Investment: Capital	SUB 401	COM	717,000C	C	717,000C
41.	County of Kauai Investment: Capital	SUB 501	COK	879,000C	C	879,000C

**SECTION 5. PART B PRIORITY PROGRAM 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, 1979 and ending June 30, 1981, provided that no allotment of appropriations made in this section shall be made except in accordance with Section 3, Part II of this Act. The total expenditures and the number of positions in each fiscal year of the biennium shall not exceed the sums and the position ceilings indicated for each year, except as provided elsewhere in this Act. The designated expending agency authorized for each item in this section is authorized to delegate to other state agencies the expenditure of funds for such item when it is determined by such agency that it is more advantageous to do so.

APPROPRIATIONS

Item No.	Program	Program ID	Exp. Agy.	FY		FY		Total Biennium 1979-81 F
				1979-80 F	M O	1980-81 F	M O	
<b>A. ECONOMIC DEVELOPMENT</b>								
<b>1. COMMERCE AND INDUSTRY</b>								
	Operating	PED 102	PED	165,000A		A		165,000A
<b>2. TOURISM</b>								
	Operating	PED 113	PED	40,000A		A		40,000A
<b>AGRICULTURE</b>								
<b>3. Product Development and Marketing for Agriculture Distribution Systems Improvement for Agriculture</b>								
	Operating	AGR 151	AGR	25,000A		A		25,000A
<b>4. General Support for Agriculture Data Collection for Agriculture</b>								
	Operating	AGR 189	AGR	25,000A		A		25,000A
<b>5. General Administration for Agriculture</b>								
	Operating	AGR 192	AGR	50,000A		A		50,000A
<b>FISHERIES &amp; AQUACULTURE</b>								
	Commercial Fishery and Aquaculture	LNR 153	LNR	88,100A		A		88,100A
<b>ECON PLANNING &amp; COORD FOR ECON DEVELOPME</b>								
<b>7. Econ Planning &amp; Research for Econ Devpmt</b>								
	Operating	PED 130	PED	28,564A		28,564A		57,128A
<b>8. General Support for Marine Programs</b>								
	Operating	GOV 109	GOV	25,000A		A		25,000A
<b>B. EMPLOYMENT</b>								
<b>FULL OPPORTUNITY TO WORK</b>								
<b>1. Employment and Training Programs</b>								
	Operating	LBR 131	LBR	77,500A		A		77,500A

ASSISTANCE IN WORK RELATED DIFFICULTIES

2.	Vocational Rehabilitation Operating	SOC 802	SOC	9,535A	A	9,535A
<b>E. HEALTH</b>						
<b>PHYSICAL HEALTH</b>						
Communicable Diseases						
1.	Other Communicable Diseases Operating	HTH 131	HTH	15,000A	15,000A	30,000A
2.	Chronic Diseases Operating	HTH 151	HTH	215,000A	A	215,000A
3.	Emergency Medical Services Operating	HTH 170	HTH	302,769A	A	302,769A
4.	Health Care Services Operating	HTH 801	HTH	376,045A	A	376,045A
5.	Hospital Care Leahi Hospital Operating	HTH 242	HTH	30,000A	A	30,000A
<b>MENTAL HEALTH</b>						
6.	Community Based Services for MH Operating	HTH 401	HTH	955,303A	49,754A	1,005,057A
<b>MENTAL RETARDATION</b>						
7.	Early Identification & Treatment for MR Operating	HTH 500	HTH	221,000A	A	221,000A
8.	Community Based Services for MR Operating	HTH 501	HTH	138,632A	A	138,632A
<b>OVERALL PROGRAM SUPPORT</b>						
9.	General Administration Operating	HTH 907	HTH	114,940A	A	114,940A
<b>F. SOCIAL PROBLEMS</b>						
<b>ALLEVIATION OF INDIVIDUAL AND GROUP PROB</b>						
1.	Assistance to Families and/or Children Services to Families and/or Children Operating	SOC 101	SOC	20,000A	A	20,000A



Item No.	Program	Program ID	Exp. Agy.	APPROPRIATIONS			Total Biennium 1979-81 F
				FY 1979-80 F	FY 1980-81 F	M O	
2.	Assistance to Individual Adults Operating	SOC 121	SOC	10,511A	A		10,511A
<b>ASSURED STANDARD OF LIVING</b>							
3.	Monetary Assistance for General Needs Payments to Assist the Aged, Blind & Disa Operating	SOC 202	SOC	100,000A	A		100,000A
4.	General Support for Assured Std of Livin Eligibility Determination Operating	SOC 236	SOC	123,438A 90,036N	111,425A 85,853N		234,863A 175,889N
<b>OVERALL PROGRAM SUPPORT FOR SOCIAL PROBL</b>							
5.	Progressive Neighborhoods Program Operating	GOV 859	GOV	34,967A	A		34,967A
6.	Hawaii Office of Economic Opportunity Operating	GOV 860	GOV	283,723A	A		283,723A
7.	Plan, Program Dev & Coord of Svs for C & Operating	GOV 861	GOV	62,540A	A		62,540A
8.	Plan, Program Dev & Coord of Sves for Eld Operating	GOV 602	GOV GOV	92,848A 5,688N	44,084A 5,688N		136,932A 11,376N
<b>G. FORMAL EDUCATION</b>							
<b>LOWER EDUCATION</b>							
1.	Instruction Regular Instruction Program Operating	EDN 105	EDN	224,572A	105,392A		329,964A
2.	Other Regular Instruction Programs Operating	EDN 106	EDN	506,054A	160,846A		666,900A

3.	Exceptional Child Program Operating	EDN 107	EDN	13,760A	9,549A	23,309A
4.	Compensatory Education Operating	EDN 108	EDN	16,713A	28,294A	45,007A
5.	Instructional Administration and Support Instructional Media Operating	EDN 204	EDN	55,174A	2,720A	57,894A
6.	Instructional Development Operating	EDN 205	EDN	64,623A	64,849A	129,472A
7.	Student Activities Operating	EDN 207	EDN	242,654A	287,885A	530,539A
8.	Psychological & School Social Work Servi Operating	EDN 208	EDN	5,197A	6,269A	11,466A
9.	Institutional Administration and Support State Administration Operating	EDN 303	EDN	63,087A	83,177A	146,264A
10.	District Administration Operating	EDN 304	EDN	23,879A	30,594A	54,473A
11.	School Food Services Operating	EDN 305	EDN	20,000A	A	20,000A
12.	Physical Plant Operations & Maintenance- Operating	EDN 307	EDN	93,822A	49,340A	143,162A
13.	Physical Plant Operations & Maintenance- Operating	AGS 807	AGS	133,165A	110,166A	243,331A
14.	Student Transportation Operating	AGS 808	AGS	53,947A	8,190A	62,137A
15.	Public Service Public Libraries Operating	EDN 407	EDN	<del>234,244A</del> 227,903A†	<del>101,634A</del> 95,296A†	<del>335,875A</del> 323,199A†

†Vetoed as indicated and initialed "GRA".

APPROPRIATIONS

Item No.	Program	Program ID	Exp. Agy.	FY 1979-80 M O F	FY 1980-81 M O F	Total Biennium 1979-81 M O F
<b>HIGHER EDUCATION</b>						
16.	University of Hawaii, Manoa Organized Research—UOH, Manoa Operating	UOH 102	UOH	29,264A	31,436A	60,700A
17.	Public Service—UOH, Manoa Operating	UOH 103	UOH	35,000A	A	35,000A
18.	Leeward Community College Academic Support—Leeward Community Colle Operating	UOH 323	UOH	5,942A	A	5,942A
<b>H. CULTURE AND RECREATION</b>						
<b>CULTURAL ACTIVITIES</b>						
1.	Cultural and Artistic Events Performing & Visual Arts Events Operating	BUF 881	BUF	460,000A	A	460,000A
<b>K. GOVERNMENT—WIDE SUPPORT</b>						
<b>EXEC DIRECTN, COORD, &amp; POLICY DEVELOPMEN</b>						
1.	Office of the Governor Operating	GOV 100	GOV	66,780A	A	66,780A
2.	Office of the Lieutenant Governor Operating	LTG 100	LTG	20,000A	A	20,000A
3.	Policy Development and Coordination Gov—Oth Policy Development & Coordinat Operating	GOV 102	GOV	98,267A	A	98,267A
<b>FISCAL MANAGEMENT</b>						
4.	Fiscal Procedures and Control Acct System Development & Maintenance Operating	AGS 101	AGS	225,000A	100,000A	325,000A
<b>GENERAL SERVICES</b>						
5.	Electronic Data Processing Services Operating	BUF 131	BUF	150,000A	50,000A	200,000A

**PART IV. PRIORITY PROGRAM APPROPRIATION PROVISIONS****PART A. PRIORITY PROGRAM APPROPRIATION PROVISIONS****ECONOMIC DEVELOPMENT**

**SECTION 6.** Provided, that of the general fund appropriation to Commerce and Industry (PED 102), \$677,983 for fiscal year 1979-80 and \$709,059 for fiscal year 1980-81 shall be allotted to the Aquaculture Development Program. Provided further, that temporary staff hired to carry out the functions in Act 12, SSLH 1977 shall be exempt from Chapters 76 and 77, Hawaii Revised Statutes.

**SECTION 7.** Provided, that of the sums appropriated for the Tourism Program (PED 113), the general funds used for a contract with the Hawaii Visitors Bureau for the purpose of tourism promotion shall not exceed \$2,081,460 for fiscal year 1979-80 and \$1,554,696 for fiscal year 1980-81; provided further, that any such contract shall require the Hawaii Visitors Bureau in its administration of "special events" to fund such projects from other than state funds.

**SECTION 8.** Provided, that in the Data Collection for Agriculture Program (AGR 189), any private industry contributions for the papaya and anthurium forecasting projects shall be used to offset the cost of these projects and the general fund appropriation shall be reduced to the extent of the private contributions.

**SECTION 9.** Provided, that for the Water Development and Irrigation Services Program (LNR 141), the general fund appropriation shall be reduced to the extent that special fund revenues exceed the amounts authorized by this Act.

**SECTION 10.** Provided, that of the general fund appropriation to the Energy Development and Management Program (PED 120) designated for Research and Development, no less than \$300,000 in each fiscal year of the 1979-81 biennium shall be used for a contract with the Hawaii Natural Energy Institute through the Research Corporation, University of Hawaii; provided further, that funds used for such contract shall be expended at the discretion of the Hawaii Natural Energy Institute.

**SECTION 11.** Provided, that of the general fund appropriation for General Support for Marines Programs (GOV 109), \$10,000 in fiscal year 1979-80 shall be for the Fifth Student Symposium on Marine Affairs and \$15,000 in fiscal year 1979-80 shall be used to study the effects of pollution on coastal flora and fauna.

**EMPLOYMENT**

**SECTION 12.** Provided, that of the general fund appropriation for Policy Development and Coordination (GOV 803), \$96,148 in fiscal year 1979-80 and \$101,590 in fiscal year 1980-81 shall be allotted for the Kalihi-Palama Immigrant Services Center.

**TRANSPORTATION**

**SECTION 13.** Provided, that of the appropriation for Water Transportation Facilities and Services Support Program (TRN 395), \$200,000 in each fiscal year shall be used for the payment of tort claims involving the Harbors Division, which are arbitrated, compromised, or settled for amounts not in excess of the deductible of the

appropriate insurance policy of the Harbors Division, and for litigation purposes not provided for by the several insurance policies of the Harbors Division.

**SECTION 14.** Provided, that of the appropriation to the Transportation Facilities and Services Program (TRN 995), not more than \$20,000 in each fiscal year of the 1979-81 biennium shall be used for State matching funds for the operation of the Oahu Metropolitan Planning Organization (OMPO); provided further, that the Policy Committee of the O.M.P.O. shall review the compensation of the executive director and submit a plan twenty days prior to the convening of the 1980 Regular Session of the Legislature for the reduction of his salary to a level comparable to that of the executive officer of the State Land Use Commission.

**SECTION 15.** Provided, that the Director of Transportation shall review the problem of large numbers of project funded personnel in the Department of Transportation and recommend to the 1980 Regular Session of the Legislature a plan for the orderly termination and/or transfer of such personnel.

### **ENVIRONMENTAL PROTECTION**

**SECTION 16.** Provided, that of the general funds appropriated to the Natural Physical Environment Program (LNR 906), \$50,000 in fiscal year 1979-80 shall be used for the purpose of formulating and compiling a comprehensive inventory of all State lands, as well as examining the feasibility of producing comprehensive maps.

### **HEALTH**

**SECTION 17.** Provided, that the general fund appropriation for Leprosy (HTH 111) includes \$255,791<sup>†</sup> in fiscal year 1980-81 for Hale Mohalu. Provided further, that the Department of Health may contract with private organizations.

**SECTION 18.** Provided, that of the general fund appropriation to Emergency Medical Services (HTH 170), \$4,056,697 for fiscal year 1979-80 and \$4,587,017 for fiscal year 1980-81, shall be used to provide emergency ambulance services on Oahu, Hawaii and Kauai. Provided further, that \$76,000, shall be used for the extension of the Medical Communication Network (MEDICOM) into the Ka'u district of Hawaii.

**SECTION 19.** Provided, that of the general fund appropriation to Sensory Deficiencies (HTH 180), twenty positions and \$293,343 in fiscal year 1979-80 and \$337,290 in fiscal year 1980-81 are for the funding of occupational and physical therapists, pursuant to requirements of P.L. 94-142.

**SECTION 20.** Provided, that if special fund receipts exceed the authorization, the general fund appropriation shall be reduced to the extent of the excess, except as provided elsewhere in this Act.

Provided further, that if special funds in the amount authorized in Part III of this Act for the Department of Health County/State hospital system are not realized, then the difference between the amount authorized and the amount actually realized is hereby appropriated from the general fund to the Department of Health.

**SECTION 21.** Provided, that the Department of Health shall review the con-

<sup>†</sup>Vetoed as indicated and initialed "GRA".

tinued need for the new positions designated for Hilo, Honokaa, Ka'u, Kohala, Kona, Maui Memorial, Hana, Lanai, Kauai Veterans, and Samuel Mahelona Memorial Hospitals (HTH 211, HTH 212, HTH 213, HTH 214, HTH 215, HTH 221, HTH 222, HTH 224, HTH 231, HTH 232) and shall submit a report thereon to the 1981 Regular Session of the Legislature.

SECTION 22. Provided, that of the general fund appropriation for HTH 401, HTH 495 and HTH 902, the sum of \$125,856 in each year of the fiscal biennium 1979-81 shall be used for 16 temporary positions to provide for automation of the program's data and research requirements, including management information systems activities.

SECTION 23. Provided, that the general fund appropriation to Mental Health (HTH 401) includes funds for eight temporary clinical psychologist positions and eight temporary social worker positions which shall be under the administration of the Mental Health Center to which they are assigned.

SECTION 24. Provided, that of the sums appropriated to the Department of Health, an amount not to exceed \$18,000 in fiscal year 1979-80 and \$19,080 in fiscal year 1980-81 from savings of the Department of Health shall be used for a contract with a certified health physicist to conduct an environmental monitoring program for radioactivity in and around civilian populated areas in the vicinity of Pearl Harbor at least quarterly. The program shall include, but not be limited to, analysis for direct radiation and the analysis of radioactivity in sediment, marine life and air.

SECTION 25. Provided, that of the general fund appropriation to Health Education (HTH 908), \$7,560 in each fiscal year of the 1979-81 biennium shall be used to provide services to overcome cultural and language barriers to health care experienced by native Hawaiians.

## **SOCIAL PROBLEMS**

SECTION 26. Provided, that in establishing fees for individual practitioners for the Health Care Payments Program (SOC 230) for the fiscal biennium 1979-81, the department of social services and housing shall use the 1975 profiles of usual and customary fees of health care practitioners.

SECTION 27. Provided, that of the general fund appropriation to the Progressive Neighborhoods Program (GOV 859), \$150,000 in fiscal year 1979-80 and \$162,000 in fiscal year 1980-81 shall be used for Basic Grants Projects; provided further, that the Progressive Neighborhoods Task Force shall evaluate the various on-going programs of the Progressive Neighborhoods Program and shall report to the legislature twenty days prior to the start of the 1981 Regular Session with recommendations as to the transfer of such programs to a permanent service agency.

SECTION 28. Provided, that the sum appropriated for the Hawaii Office of Economic Opportunity (GOV 860) for the Legal Aid Society of Hawaii shall be the maximum amount of State funds which shall be used to support the operations of the Legal Aid Society of Hawaii, and that all awards of attorneys' fees collected by the Legal Aid Society of Hawaii against any State agency or officer, after July 1, 1979, which would cause the amount of State funds to exceed the amount appropriated,

shall be paid from or set-off against the sum appropriated to the Legal Aid Society of Hawaii.

SECTION 29. Provided, that of the general fund appropriation to the Hawaii Office of Economic Opportunity (GOV 860), \$758,000 in fiscal year 1979-80 and \$832,400 in fiscal year 1980-81 shall be for the Legal Aid Society of Hawaii; provided further, that the Legal Aid Society of Hawaii shall submit reports to the legislature twenty days prior to the convening of each regular legislative session. These reports shall include statements of income, expenditures and accomplishments for the previous fiscal year.

SECTION 30. Provided, that if the sum received by the Hawaii Office of Economic Opportunity (GOV 860) under Public Law 93-644 or any other public law which amends or supersedes Public Law 93-644, is less than \$116,000 for each fiscal year, then the difference between \$116,000 and the sum received for each respective year up to a maximum of \$43,500, is hereby appropriated from the general fund to the Hawaii Office of Economic Opportunity.

SECTION 31. Provided, that the Legal Aid Society of Hawaii shall initiate a program to provide legal counsel for civil matters to prison inmates of the State corrections system and the Office of the Public Defender shall initiate a program to provide legal counsel for post-conviction criminal matters to prison inmates of the State corrections system; provided further, that the Legal Aid Society of Hawaii and the Office of the Public Defender shall coordinate their efforts in providing counsel to inmates of the State corrections system; provided further, that the Legal Aid Society of Hawaii and the Office of the Public Defender shall each submit a report to the 1980 Regular Session of the Legislature on the status of their respective programs.

#### **LOWER EDUCATION**

SECTION 32. Provided, that if the sum received by the Department of Education under Public Law 874, or any other public law which amends or supersedes Public Law 874 for each year of the 1979-81 biennium is less than the amounts authorized in this Act, then the difference between the amounts authorized and the sum received for each respective year is hereby appropriated from the general fund to the Department of Education; provided further, that if the sum received is greater than the amounts authorized in this Act, then the general fund appropriation to the Department of Education shall be reduced to the extent that the actual sum received exceeds the amounts authorized for each respective fiscal year.

SECTION 33. Provided, that of the general fund appropriation for the Regular Instruction Program (EDN 105), \$1,035,918 in fiscal year 1979-80 and \$1,031,022 in fiscal year 1980-81 shall be allotted for supplies, equipment and services to augment regular instruction and other purposes which, at the schools' discretion, will benefit students and improve the instruction program of the schools; provided further, that each principal shall consult with teachers, and to the extent practicable, with parents and students, to solicit their advice on the purposes for which expenditures are to be made; provided further, that the amount to be allocated to each school is based on a formula which provides each school with a basic allocation of \$2,000 plus an additional \$3.50 per regular and special education student in regular schools; provided further, that by such dates as designated by the superintendent of education and

under such guidelines as he may issue, principals shall submit plans for the expenditure of special needs funds to their district superintendents; provided further, that a district superintendent may advise a principal to amend an expenditure plan if the need for a proposed expenditure can be met through the transfer of idle or underutilized supplies, equipment, or other resource from another school or source, and he is able to make such transfer; provided further, that all school expenditures shall be made through normal departmental procurement and disbursing procedures; provided further, that there shall be kept for each school a record of the expenditures made, and the superintendent of education or the district superintendents may request the evaluation of specific expenditures; provided further, that the superintendent of education shall monitor expenditures to determine conformance to his guidelines and shall provide the legislature with such accountability reports as may be requested; provided further, that anything in the law or in any provision of this Act to the contrary notwithstanding, the superintendent of education may transfer such funds in an equitable manner among schools for Regular Instruction in the event of significant changes in individual school enrollments resulting from such conditions as delayed school openings, changes in school boundaries, disasters or other emergencies and shall report to the legislature on the amounts transferred and the reasons therefor.

SECTION 34. Provided, that of the appropriation for the Regular Instruction Program (EDN 105), \$657,786 in fiscal year 1979-80 and \$742,753 in fiscal year 1980-81 shall be used for the purchase of classroom supplies and textbooks.

SECTION 35. Provided, that the amounts shown for Regular Instruction (EDN 105), are intended for student enrollment projections of \$167,960 for fiscal year 1979-80 and \$165,821 for fiscal year 1980-81.

SECTION 36. Provided, that of the appropriation for the Other Regular Instruction Programs (EDN 106), \$217,407 in fiscal year 1979-80 shall be used for the installation of the Grade 9 Secondary English Program and \$221,860 in fiscal year 1980-81 shall be used for the installation of the Grade 10 Secondary English Program.

SECTION 37. Provided, that of the general funds appropriated for Compensatory Education (EDN 108), \$21,331 in fiscal year 1979-81 and \$39,820 in fiscal year 1980-81 shall be allotted for one temporary full-time Special Motivation Teacher position and educational and office supplies for the Storefront School.

SECTION 38. Provided, that of the general fund appropriation for Compensatory Education (EDN 108), \$55,000 in fiscal year 1979-80 shall be allotted to promote the activities of the Immigrant Youth Program of the Palama Interchurch Council.

SECTION 39. Provided, that of the general fund appropriation for School Administration (EDN 203), \$50,166 in fiscal year 1979-80 and \$62,357 in fiscal year 1980-81 shall be used to fund (4.50) permanent full-time registrars at high schools throughout the State.

SECTION 40. Provided, that of the general fund appropriation for the Counseling Program (EDN 206), \$171,631 in fiscal year 1979-80 and \$208,971 in fiscal year 1980-81 shall be used to ensure that each school is provided counseling services.



## ACT 214

SECTION 41. Provided, that of the general fund appropriation to the Safety and Security Services Program (EDN 306), \$582,840 in fiscal year 1979-80 and \$698,775 in fiscal year 1980-81 shall be used for (105.00) temporary School Safety and Security Aides.

SECTION 42. Provided, that of the general fund appropriation for the Student Transportation Program (AGS 808), \$33,809 in fiscal year 1979-80 and \$82,717 in fiscal year 1980-81 shall be used for contractual services of bus aides to ensure the safety and well being of the handicapped child.

SECTION 43. Provided, that of the general fund appropriation for Public Libraries (EDN 407), \$9,507 in fiscal year 1979-80 and \$11,146 in fiscal year 1980-81 shall be used to hire a Librarian III for Waiialua Community Library.

### HIGHER EDUCATION

SECTION 44. 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 differences between the amounts designated and the amounts received are hereby appropriated from the general fund to Instruction—UOH, Manoa (UOH 101), Organized Research—UOH, Manoa (UOH 102), and Public Service—UOH, Manoa (UOH 103), respectively; provided further, that if the federal funds received exceed the amounts designated, then the general fund appropriations for Instruction—UOH, Manoa (UOH 101), Organized Research—UOH, Manoa (UOH 102), and Public Service—UOH, Manoa (UOH 103), respectively shall be reduced by the amounts such receipts exceed the federal funds authorized.

SECTION 45. Provided, that of the five positions authorized for the Women's Athletics program in Student Services—UOH, Manoa (UOH 105), one position will be used for the director and one for the trainer of this program.

SECTION 46. Provided, that of the appropriation made for Academic Support—Systemwide Support (UOH 901) \$300,000 in each fiscal year shall be made available for the President's Educational Improvement Fund; provided further, that no more than \$150,000 per year shall be expended for projects at U.H. Manoa.

SECTION 47. Provided, that the appropriation for Institutional Support—Systemwide Support (UOH 903) includes moneys for four clerical positions, one engineer position and four facilities planner positions which shall be administered through the Office of the Vice President for Academic Affairs in conjunction with the Director of Long Range Planning; provided further, that of the four facilities planner positions, one shall be allotted to each of the following areas: University of Hawaii at Manoa, the Chancellor for Community Colleges and the University of Hawaii at Hilo.

SECTION 48. Provided, that the general fund appropriation for the Systemwide Support—Institutional Support Program (UOH 903) includes \$15,000 in each year of the 1979-81 biennium to be expended at the discretion of the President of the University of Hawaii.

SECTION 49. Provided, that of the appropriation made for the Western Interstate Commission for Higher Education (GOV 807) for the fiscal biennium 1979-81,

funds shall be allocated among the different fields of study in proportion to the unmet manpower needs of the State; provided further, that the Hawaii WICHE Commissioners shall report to the 1980 Regular Session of the Legislature on: a proposed student loan program to replace or reduce the reliance on general funds; an analysis of the state manpower requirements for those fields of study permitted under WICHE, including a proposed student allocation plan for the 1980-81 academic year to address such needs; an examination of the need for a WICHE Fellows program in the State, and alternatives to the present organization and administration of the state WICHE program; provided further, that funding in fiscal year 1980-81 be contingent upon meeting the requirements of this section; provided further, that students certified for admission in Fall 1979 be apprised of this contingency; and provided further, that no students be certified for WICHE sponsorship in the 1980-81 academic year pending the satisfactory completion of the requirements of this section.

SECTION 50. Provided, that the Legislative Auditor shall conduct a comprehensive management audit of the University of Hawaii and report thereon, to the 1981 Regular Session of the Legislature. Provided further, that the Legislative Auditor shall report on the personnel administration component of the management audit, including personnel compensation structure, to the 1980 Regular Session of the Legislature.

#### **CULTURE AND RECREATION**

SECTION 51. Provided, that of the general fund appropriation for Hawaii Public Broadcasting (REG 701), \$85,743 in fiscal year 1979-80 and \$92,377 in fiscal year 1980-81, or so much as necessary shall be used for operating costs related to the transfer of the Pau Hana Years program to KHET. Provided further, that of the general fund appropriation for Hawaii Public Broadcasting (REG 701) in fiscal year 1979-80, \$187,577 shall be used for the acquisition of necessary broadcasting equipment if matching federal funds are available; provided further, that if any federal matching share is less than the amount applied for, state matching funds shall be reduced proportionately.

SECTION 52. Provided, that the department of budget and finance shall evaluate the Pacific War Memorial System Program (DEF 808) and submit a report to the legislature 20 days prior to the start of the 1980 Regular Session of the Legislature; such report to include recommendations to continue the program or to provide for an orderly phase-out.

SECTION 53. Provided, that of the general fund appropriation to the Performing and Visual Arts Events Program (BUF 881), \$28,923 in fiscal year 1979-80 or so much as is necessary shall be used for operating costs related to the implementation of a cultural history program by the State Foundation on Culture and the Arts.

SECTION 54. Provided, that of the general fund appropriation to the Performing and Visual Arts Events Program (BUF 881), \$100,000 in fiscal year 1979-80 and \$80,000 in fiscal year 1980-81 shall be allotted to provide for the continuation and expansion of the Ethnic Studies Oral History Project; provided further, that of the appropriation for fiscal year 1979-80, \$20,000 shall be used for the production of a documented historical record of the Okinawans in Hawaii; provided further, that annual progress reports on the projects shall be submitted to the Legislature.

SECTION 55. Provided, that any funds which are appropriated to the Ethnic Studies Oral History project may be used to obtain additional federal funds through the gifts and matching program of the Hawaii Committee for the Humanities, a public program of the National Endowment for the Humanities.

SECTION 56. Provided, that for the Spectator Events and Shows Program (BUF 889), the general fund appropriation for each fiscal year of the 1979-81 biennium shall be reduced to the extent that special fund revenues exceed the amounts authorized in this Act; provided further, that if the special fund revenues are not received as anticipated, then the difference between the amounts designated and the amounts received is hereby appropriated from the general fund to the Spectator Events and Shows Program (BUF 889).

SECTION 57. Provided, that of the general fund appropriation to the Spectator Events and Shows Program (BUF 889), a sum not to exceed \$5,000 for each year of the fiscal biennium 1979-81 shall be authorized by the Stadium Authority to be expended at the discretion of the Stadium Manager for promotion and other Stadium purposes.

SECTION 58. Provided, that of the general fund appropriation for General Administration for Culture and Recreation (LNR 809), \$18,318 shall be used in each year of the 1979-81 biennium for operating costs to support the operations of the Hawaii Historic Places Review Board.

## **PUBLIC SAFETY**

SECTION 59. Provided, that the Intake Service Center Advisory Board shall submit a report evaluating the Intake Service Center Program (GOV 894) to the 1980 Regular Session of the legislature; provided further, that the State Law Enforcement Planning Agency shall reassess the Correctional Master Plan including an evaluation of the role and functions of the Intake Service Center within the master plan concept and report thereon to the 1980 Regular Session of the legislature.

SECTION 60. Provided, that the general fund appropriation to the Juvenile Correctional Facilities Program (SOC 401) includes \$53,000 in fiscal year 1979-80 for continuation of the Boys Group Home Program.

SECTION 61. Provided, that the general fund appropriation to the In-Community Facilities Program (SOC 404) includes \$79,913 in fiscal year 1979-80 for the continuation of the Liliha House II program.

SECTION 62. Provided, that the general fund appropriation to the Criminal Injuries Compensation Program (SOC 414) includes \$20,000 in fiscal year 1979-80 for the continuation of the Justice for Victims program.

## **INDIVIDUAL RIGHTS**

SECTION 63. Provided, that of the general fund appropriation for Business Registration (REG 111), \$25,750 for fiscal year 1979-80 and \$18,750 for fiscal year 1980-81 shall be used for computerizing activities undertaken by the Business Registration Division.

**GOVERNMENT-WIDE SUPPORT**

SECTION 64. Provided, that the appropriation for the Office of the Governor (GOV 100) shall be expended at the discretion of the Governor.

SECTION 65. Provided, that the appropriation for the Office of the Governor (GOV 100) includes \$100,000 for the Governor's contingency fund, which may be transferred to other appropriations with the approval of the Governor for urgent needs; provided further, that expenditures and transfers from the contingency fund shall not exceed the foregoing sum of \$100,000 in each fiscal year.

SECTION 66. Provided, that notwithstanding any position ceiling the Governor may transfer positions and funds between existing programs of the State government for the purpose of establishing an integrated statewide data processing system.

SECTION 67. Provided, that the sum appropriated in each year to the Advisory Council on Housing and Construction Industry, Office of the Governor (GOV 100) shall be matched by the private sector groups and industry associations represented on the Council.

SECTION 68. Provided, that the appropriation for the Office of the Lieutenant Governor (LTG 100) shall be expended at the discretion of the Lieutenant Governor.

SECTION 69. Provided, that of the general fund appropriation for the Office of the Lieutenant Governor (LTG 100), \$6,236 in fiscal year 1979-80 and \$1,272 in fiscal year 1980-81 shall be used to expand the Voter Education Program.

SECTION 70. Provided, that of the general fund appropriation for the Legal Services Program (ATG 100), \$35,000 for fiscal year 1979-80 and \$36,000 for fiscal year 1980-81 shall be used for the payment of tort claims arbitrated, compromised or settled for amounts not in excess of \$2,000. Provided further, that of the general fund appropriation for the Legal Services Program (ATG 100), \$200,000 in each fiscal year shall be used for litigation purposes.

SECTION 71. Provided, that of the general fund appropriation for fiscal year 1979-80 to Supporting Services — Personnel Services (PER 191), such sums as necessary shall be used for preparation of Equal Employment Opportunity workforce utilization data; reviewing and monitoring compliance with employment nondiscrimination laws by state agencies; and development of a plan for coordination of equal access to employment and services programs throughout the State.

SECTION 72. Provided, that the Board of Trustees of the Hawaii Public Employees' Health Fund program may use so much of the contributions appropriation under the Group Life Insurance, Medical, Hospital, and Dental Benefits Program (BUF 142) as necessary to advance the amount of employee-beneficiaries monthly contributions to the fund, pending receipt of such contributions from employee-beneficiaries.

SECTION 73. Provided, that the Department of Accounting and General Services may use \$302,000 or as much as necessary of any general fund appropriations to the Department of Accounting and General Services to pay for lease space in the Old Federal Courthouse Building.

SECTION 74. In the event that the proposed telephone (WATS) rate increase to eliminate the flat monthly rate, and provide a measured-time outward WATS with a minimum and tapered rate steps, becomes effective subsequent to the enactment of this Act, up to \$201,600 in each fiscal year of the 1979-81 biennium is hereby appropriated from the general fund to the Communications Program (AGS 263).

SECTION 75. Provided, that of the security officer positions allotted to Capitol Building Security (ATG 801), eight shall be made available to the Judiciary for a contract with the Judiciary for security services. Provided further, that the Judiciary shall be permitted to select the security officers to be assigned to such contract.

**PART B. PRIORITY PROGRAM APPROPRIATION PROVISIONS**

**ECONOMIC DEVELOPMENT**

SECTION 76. Provided, that the general fund appropriation to the Commerce and Industry Program (PED 102) includes \$40,000 in fiscal year 1979-80 for the Pacific Islands Development Commission; provided further, that this appropriation may be expended only after being matched by other members of the commission.

SECTION 77. Provided, that the general fund appropriation to the Commerce and Industry Program (PED 102) includes \$125,000 in fiscal year 1979-80 for the Hawaii Institute of Electronics Research.

SECTION 78. Provided, that the general fund appropriation to the Tourism Program (PED 113) includes \$25,000 in fiscal year 1979-80 to study Hawaii resident expenditures for out-of-state recreational travel; provided further, that this study shall include a survey of destinations, length of stay and total expenditures and an analysis of the nature of out-of-state recreational travel (e.g. camping, sightseeing, gambling, skiing, etc.).

SECTION 79. Provided, that the general fund appropriation to the Distribution Systems Improvement for Agriculture Program (AGR 151) includes \$25,000 in fiscal year 1979-80 to continue the Young Farmers Program, a statewide program designed to encourage young people to consider agriculture as a career.

SECTION 80. Provided, that the general fund appropriation for the Data Collection for Agriculture Program (AGR 189) includes \$25,000 for a one-year seed, feed and forage research program to strengthen the state's livestock industry.

SECTION 81. Provided, that the general fund appropriation for the General Administration for Agriculture Program (AGR 192) includes \$50,000 in fiscal year 1979-80 to study the feasibility of establishing a state facility to transport and use agricultural waste in land reclamation.

SECTION 82. Provided, that the general fund appropriation for the Economic Planning and Research for Economic Development Program (PED 130) includes \$28,564 in each year of the 1979-81 fiscal biennium to establish a temporary economist position to monitor and analyze the construction industry through use of a short-range and long-range construction industry forecasting model.

SECTION 83. Provided, that the general fund appropriation to the General Support for Marine Programs (GOV 109) includes \$25,000 in fiscal year 1979-80 to study the feasibility of relocating the Waikiki Aquarium.

**EMPLOYMENT**

SECTION 84. Provided, that the general fund appropriation for Employment and Training Program (LBR 131) includes \$77,500 in fiscal year 1979-80 for a displaced homemaker program.

**HEALTH**

SECTION 85. Provided, that the general fund appropriation for fiscal year 1979-80 to Chronic Disease (HTH 151) is comprised of the following: \$105,000 to the Arthritis Center of Hawaii, and \$110,000 to the Hemophilia Foundation.

SECTION 86. Provided, that the general fund appropriation to Emergency Medical Services (HTH 170) shall be utilized for the training of emergency medical personnel.

SECTION 87. Provided, that the general fund appropriation to Health Care Services (HTH 801) is comprised of the following: \$212,485 to fund child and spouse abuse programs (Catholic Social Services, Child and Family Services, Hawaii Family Stress Center, Puuhonua Family Crisis Center, and Kokua Kalihi Valley Shelter), \$68,900 to fund the Poison Information Center, \$64,660 for the Hana Like Home, and \$30,000 for the Variety Club School.

SECTION 88. Provided, that the general fund appropriation for Leahi Hospital (HTH 242) includes \$30,000 in fiscal year 1979-80 for general repairs and maintenance.

SECTION 89. Provided, that the general fund appropriation to Community Based Services for Mental Health (HTH 401) is comprised of the following: \$15,000 in each fiscal year of the 1979-81 biennium for "Pierre the Pelican", parent education program; \$42,346 in fiscal year 1979-80 and \$34,754 in fiscal year 1980-81 for temporary statistical clerks and related supplies; \$167,929 to fund programs of the Mental Health Coalition; \$345,930 to fund programs of the Alcohol Coalition; \$195,098 to fund Community Health Services (Drug Programs); and \$189,000 to fund a Sex Abuse Treatment Center.

SECTION 90. Provided, that the general fund appropriation to Early Identification and Treatment for Mental Retardation (HTH 500) is comprised of the following: \$41,000 to fund the Hilo Association to help retarded children, and \$180,000 for infant and child development programs (Kauai Easter Seals, Hilo Easter Seals, Maui Easter Seals, Oahu Easter Seals, Hawaii Association for Retarded Children).

SECTION 91. Provided, that the general fund appropriation to Community Based Services for Mental Retardation (HTH 501) is comprised of the following: \$50,000 to provide for respite services for the developmentally disabled, \$49,695 for the continued operation of Lanakila Rehabilitation Center's work activity centers, and \$38,937 for the Lanakila Rehabilitation Center's Wahiawa day activity program.

SECTION 92. Provided, that the general fund appropriation to General Administration (HTH 907) is comprised of the following: \$50,000 to fund preventive health education programs in the State, including the Northern Koolau Community Health Education Program, \$40,560 for a medical library, and \$24,380 for the Waianae Coast Comprehensive Health Center.

**SOCIAL PROBLEMS**

SECTION 93. Provided, that the general fund appropriation to the Services to Families and/or Children Program (SOC 101) includes \$20,000 to continue the operation of Hale Opio, a youth shelter.

SECTION 94. Provided, that of the general fund appropriation to the Payments to Assist the Aged, Blind and Disabled Program (SOC 202) includes \$100,000 in fiscal year 1979-80 to increase current levels of payments to operators of adult domiciliary care and boarding homes; provided further, that the department of social services and housing, shall finalize their study on the cost of operating care and boarding homes and submit their findings and recommendations to the legislature twenty days prior to the convening of the 1980 session.

SECTION 95. Provided, that the general fund appropriation to the Eligibility Determination Program (SOC 236) includes \$123,438 in fiscal year 1979-80 and \$111,425 in fiscal year 1980-81 to establish 20 temporary positions for the Child Support Unit.

SECTION 96. Provided, that the general fund appropriation to the Hawaii Office of Economic Opportunity (GOV 860) includes \$100,000 for a grant-in-aid to Alu Like, Inc. for the purpose of obtaining matching federal funding.

SECTION 97. Provided, that of the general fund appropriation for the Planning, Program Development and Coordination of Services for Children and Youth Program (GOV 861) includes \$62,540 to continue the operation of Hilo Interim Home.

SECTION 98. Provided, that the general fund appropriation to the Planning, Program Development and Coordination of Services for Elderly Program (GOV 602) may be used to establish a temporary clerk-typist position (\$1,896 in each year of the fiscal biennium 1979-81); to establish a temporary accountant position (\$10,344 in each year of the fiscal biennium 1979-81); and to integrate the Office on Aging data collection staff with the Department of Health's Health Surveillance Program (\$10,000 in each year); provided further, that \$50,000 in fiscal year 1979-80 is for the Kapahulu Multipurpose Senior Center.

**LOWER EDUCATION**

SECTION 99. Provided, that the general fund appropriation for Regular Instruction (EDN 105) includes \$212,100 in fiscal year 1979-80 and \$98,784 in fiscal year 1980-81 to purchase color television receivers as the first phase of a changeover from standard non-color units.

SECTION 100. Provided, that the general fund appropriation to the Other Regular Instruction Programs (EDN 106) includes \$115,200 in fiscal year 1979-80 and \$115,661 in fiscal year 1980-81 to waiver summer school tuition for low-income students.

SECTION 101. Provided, that the general fund appropriation for Other Regular Instruction Programs (EDN 106) includes \$250,000 in fiscal year 1979-80 to foster Intensive Basic Skills.

SECTION 102. Provided that the general fund appropriation for Other Regular Instruction Programs (EDN 106) includes \$111,600 in fiscal year 1979-80 for Project Holomua.

SECTION 103. Provided, that the general fund appropriation for Student Activities (EDN 207) includes \$217,227 in fiscal year 1979-80 and \$256,158 in fiscal year 1980-81 to fund 38.50 temporary School Activities Coordinator positions at high schools throughout the State.

SECTION 104. Provided, that the general fund appropriation for Student Activities (EDN 207) includes \$20,000 in fiscal year 1979-80 and \$21,200 in fiscal year 1980-81 to promote activities of the Future Farmers of America.

SECTION 105. Provided, that the general fund appropriation for School Food Services (EDN 305) includes \$20,000 in fiscal year 1979-80 to purchase additional health and sanitation equipment.

SECTION 106. Provided, that the general fund appropriation for Public Libraries (EDN 407) includes \$32,808 in fiscal year 1979-80 and \$76,524 in fiscal year 1980-81 to hire temporary library assistants.

SECTION 107. Provided, that the general fund appropriation for Public Libraries (EDN 407) includes \$6,338† in fiscal year 1979-80 and \$6,338† in fiscal year 1980-81 to hire a library assistant for the Makiki Library.

#### **HIGHER EDUCATION**

SECTION 108. Provided, that the general fund appropriation to Organized Research—UOH, Manoa (UOH 102) includes \$29,264 in fiscal year 1979-80 and \$31,436 in fiscal year 1980-81 to fund a temporary researcher and related expenses for the aquaculture program.

SECTION 109. Provided, that the general fund appropriation to Public Service — University of Hawaii at Manoa (UOH 103) includes \$35,000 in fiscal year 1979-80 for the College of Continuing Education's program for Continuing Education for Women.

SECTION 110. Provided, that the general fund appropriation to Academic Support — Leeward Community College (UOH 323) includes \$5,942 in fiscal year 1979-80 to fund equipment for the media center.

#### **CULTURE AND RECREATION**

SECTION 111. Provided, that the general fund appropriation to the Performing and Visual Arts Events Program (BUF 881) in fiscal year 1979-80 includes \$20,000 to contract for the services of the Multi-Cultural Center for an oral history project. The State shall be deemed the owner of any and all materials, whether complete or incomplete, written or recorded, which are generated by the Multi-Cultural Center in carrying out the terms of this provision. The Multi-Cultural Center shall submit to the State Foundation of Culture and the Arts and to the legislature statements of revenues and expenditures from all sources of funds no later than 15 days after the close of each fiscal year.

†Vetoed as indicated and initialed "GRA".



**SECTION 112.** Provided, that the general fund appropriation for the Performing and Visual Arts Events Program (BUF 881) includes the following sums in fiscal year 1979-80 for the following purposes: \$50,000 to Honolulu Theater for Youth for neighbor island tours to provide children in these communities an opportunity to participate in workshops; \$5,000 to the Ensemble Players Guild; \$50,000 to the Hawaii Theater Festival; \$15,000 to the Kalihi-Palama Culture and Arts Society; \$45,000 to the Kalihi-Palama Culture and Arts Society; \$45,000 to the Waianae Coast Culture and Arts Society; \$10,000 to the Statewide Cultural Heritage Program; \$30,000 to the Friends of Waipahu Garden Park; \$40,000 to the Pacific Asian Affairs Council; \$50,000 to the Filipino 75th Anniversary Commission; \$25,000 to the United Okinawan Association to promote the preservation and perpetuation of the cultural heritage of the Okinawans in Hawaii; and \$100,000 to the Honolulu Symphony for services to the neighbor islands and a balanced education program on Oahu.

**SECTION 113.** Provided, that the general fund appropriation to Performing and Visual Arts Events (BUF 881) includes \$20,000 in fiscal year 1979-80 or so much as is necessary to the Polynesian Voyaging Society to match private contributions.

### **GOVERNMENT-WIDE SUPPORT**

**SECTION 114.** Provided, that the general fund appropriation to the Office of the Governor (GOV 100) includes \$66,780 in fiscal year 1979-80 to fund the Hawaii Protection and Advocacy Agency.

**SECTION 115.** Provided, that the general fund appropriation to the Office of the Lieutenant Governor (LTG 100) includes \$20,000 in fiscal year 1979-80 to fund subscriptions to the Hawaii Legal Reporter.

**SECTION 116.** Provided, that the general fund appropriation to GOV— Other Policy Development and Coordination (GOV 102) includes \$50,000 in fiscal year 1979-80 for the Agriculture Coordinating Committee to fund educational workshops for agricultural cooperatives.

**SECTION 117.** Provided, that the general fund appropriation GOV — Other Policy Development and Coordination (GOV 102) includes \$8,267 in fiscal year 1979-80 to be used by the Agriculture Coordinating Committee to reimburse the Hawaii Farm Bureau for expenses incurred in coordinating the Pan Pacific Conference held in 1977.

**SECTION 118.** Provided, that the general fund appropriation for the Accounting System Development and Maintenance Program (AGS 101) includes \$225,000 in fiscal year 1979-80 and \$100,000 in fiscal year 1980-81 for the development and implementation of the Financial Accounting and Management Information System (FAMIS).

**SECTION 119.** Provided, that the general fund appropriation for the Electronic Data Processing Services Program (BUF 131) includes \$150,000 in fiscal year 1979-80 and \$50,000 in fiscal year 1980-81 for the development and implementation of the Financial Accounting and Management Information System. (FAMIS).

**PART V. CAPITAL IMPROVEMENTS**

**SECTION 120. CAPITAL IMPROVEMENT PROJECTS AUTHORIZED.**

The sums of money appropriated or authorized in Part III of this Act for capital investment shall be expended for the projects listed below. Several 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 sum 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.)

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	FY 1979-80		FY 1980-81		Total Biennium 1979-81
					F	M	F	M	

A. ECONOMIC DEVELOPMENT

COMMERCE AND INDUSTRY

1. Oceanic Institute, Oahu LSO311

Design and construction for improvements at Oceanic Institute including a well, motors, maintenance of experimental and demonstration holding of marine species. Unencumbered balances from Act 9, Special Session Laws of Hawaii 1977, Section 2, Item III-B-1 should be used to supplement this appropriation. Grant-in-aid.

Construction

Total Funding

					130				130
				PED	130C		C		130C

TRADE AND FINANCE

International Trade & Economic Cooperation  
 Increment I Redevelopment of the Aloha Tower Complex from Piers 8 to 11.

Plans, design and redevelopment of the Aloha Tower Complex from Piers 8 to 11. The first increment plans include constructing the Hawaii World Trade Center Building, Aloha Tower Plaza, exhibit and commercial areas, parking, skybridges; renovating the Aloha Tower, Irwin Park, and Pier II as passenger terminal; and including other compatible facilities. This project includes on-site and off-site improvements.

Design

Total Funding

					500				500
				PED	500C		C		500C

Foreign Trade Zone Services	PED 107	FTZ-1						
3. Renovation of Pier 2 Fac. for Relocation and Expansion of Foreign-Trade Zone.								
Renovation of structures and grounds at Pier 2 to provide improvements for the relocation of FTZ No. 9 from Pier 39 and expansion of zone activities including manufacturing, transshipment, assembly, storage, and warehousing of goods and merchandise. Improvements include offices, exhibit rooms, warehouse and manufacturing areas, security fences, parking areas, utilities and other zone requirements.								
Design								
Construction								
Total Funding								
4. Foreign-Trade Zone Industrial Park	PED 107	FTZ-2						
Design and construction of site improvements on Sand Island, Oahu, for FTZ activities. Improvements include installation of water and sewer lines, communications and electrical lines, fire hydrants, and other utilities; security fencing; roadway; office space; and other facilities needed to meet foreign-trade zone requirements.								
Plans								
Design								
Total Funding								
AGRICULTURE								
Producty Imprvmt & Mgt Assncc for AGR Farms & Ranches—Prodetm & Mgt Improvement								
5. Molokai Water System Improvement	HHL 111	H30						
To upgrade the existing water system on Molokai to County of Maui standards.								
Design								
Total Funding								

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)		FY M O F	FY M O F	Total Biennium O F
					1979-80	1980-81			
6.	Statewide Farm Loan Fund Capitalization To provide additional capitalization to the Hawaiian Farm Loan Fund for agricultural loans.	H51		HHL	1,000	1,000C		C	1,000 1,000C
	Construction Total Funding								
7.	Hawaiian Home Lands Project, Maui Plans for development of Hawaiian home lands in accordance with DHHL General Plan.	H-41		HHL	50	50C		C	50 50C
	Plans Total Funding								
8.	Hawaiian Home Lands Project, Waimea, Hawaii Plans for development of Hawaiian home lands in accordance with DHHL General Plan.	H-47		HHL	75	75C		C	75 75C
	Plans Total Funding			HHL 111					
9.	Nanakuli Homestead, Oahu Plans and construction for improvements including caretaker maintenance of cemetery Haleakala Avenue.	LH2101		HHL	5	5C		C	5 5C
	Construction Total Funding			HHL					

PRODUCT DEVELOPMENT AND MARKET-  
ING FOR AGR

	Distribution Systems Improvement for AGR	AGR 151		
10.	Kamuela Vacuum Cooling Facilities, Hawaii	LHO401		
	Plans and construction to complete the improvements to the vacuum cooling facility for agricultural commodities at Kamuela.			
	Construction		25	25
	Total Funding	AGS	25C	25C
11.	Omaopio Vacuum Cooling Plant, Maui	LHO501		
	Plans and construction of improvements and expansion of the cooling plant. Supplements prior appropriation.			
	Construction		100	100
	Total Funding	AGS	100C	100C
12.	Kula Vacuum Cooling Plant, Maui	LHO505		
	Plans and construction of improvements and expansion of the vacuum cooling plant including loading dock, parking and access roads, security fence, fork lift, and other appurtenances. Supplements prior appropriations.			
	Construction		26	26
	Equipment		1	1
	Total Funding	AGS	27C	27C
13.	Waimea Vacuum Cooling Plant, Hawaii	LSO101		
	Design and construction for the extension of the vacuum cooling plant at Waimea, Hawaii. Unexpended balances from Act 9, SSLH 1977, Sec. 2, Item I-A-1; and Act 244, SLH 1978, Sec. 2, Item I-A-1 may be used to supplement this appropriation.			
	Design		75	75
	Total Funding	AGS	75C	75C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)							
					FY 1979-80 F	FY 1980-81 F	M O	M O	Total Biennium 1979-81 F	M O		
	GENERAL SUPPORT FOR AGR		AGR 192									
	General Administration for Agr											
14.	Agricultural Park Subdivision, Statewide Plans and construction of on and off site improvements for development of agricultural lots, including acquisition of land by purchase fee simple or lease	A01										
	Plans				200							200
	Land Acquisition				1,000							1,000
	Design				400							400
	Construction				2,500							2,500
	Total Funding			AGS	4,100C				C			4,100C
15.	Renovation of HDJ Facilities, Ala Moana Oahu Additional office space and other renovations to include decontamination, to the present Hawaii Development Irradiator building located on Ilalo Street, Ala Moana, Oahu.	012										
	Design				50							50
	Construction				335							335
	Total Funding			AGS	385C				C			385C
16.	Maui Office—Complex Facility, Maui Design and construction for an office-complex facility for department of agriculture.	LSO201										
	Design				70							70
	Total Funding			AGS	70C				C			70C

FISHERIES & AQUACULTURE

Commercial Fishery and Aquaculture

LNR 153

17. Flash Fishery Freezing and Cooling Facility,  
Oahu LSO609

Design, construction and purchase of equipment for a flash fishery freezing and cooling facility. Unexpended funds from items 5B002 of 244/78 shall be used to supplement this appropriation.

Equipment	LNR				
Total Funding		50	C	50	50C

ENERGY DEVELOPMENT AND MANAGEMENT PED 120

18. Energy Conservation in Hospitals, Schools, and Public Buildings SEO-1

Implementation of energy audit recommendations by making modifications to structures & electrical/mechanical systems in hospitals, schools, & public bldgs in order to obtain signif energy savings. This proj includes renovating, altering, & retrofitting structures & systems to make them energy efficient & less costly to operate. Includes design, construction & equipment costs. Proj rec fed aid fin/reimb.

Design					
Construction		200		200	
Equipment		1,550		1,550	
Total Funding		250	C	250	1,000C
		1,000C		1,000C	1,000N
		1,000N	N	1,000N	



Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)			Total Biennium 1979-81 F
					FY 1979-80 F	FY 1980-81 F	M O	
<b>WATER DEVELOPMENT &amp; IRRIGATION SERVICES</b>								
19.	West Maui Water Project, Maui West Maui Water Project, Maui	G04	LNR 141	LNR	490 490C	C	490 490C	
Incremental development of water systems, including plans and construction of source development, transmission mains, storage facilities and appurtenances, including development of water resources. (State assistance to County)								
Construction Total Funding								
20.	Wailua-Kapaa Water System, Kawaihau, Kauai Wailua-Kapaa water system, Kawaihau, Kauai	G09		LNR	490 490C	C	490 490C	
Incremental development of water system, including plans and construction for source development, booster pumps, storage facilities, pipelines and appurtenances. (State assistance to County)								
Construction Total Funding								
21.	South Kona Water System, Hawaii South Kona Water System, Hawaii	G14		LNR	390 390C	C	390 390C	
Incremental development of water system including plans and construction of source development, pumps, appurtenances, transmission mains and storage facilities. (State assistance to County)								
Land Acquisition								
Design								
Construction								
Total Funding								
LNR 10 55 490 555C								
C								

22. Water Sources Investigation, and Development, G25  
Hawaii
- Engineering and economic studies, geologic and hydrologic investigation, exploration and development for the conservation and utilization of surface and ground water sources including the improvement of water quality.
- |               |      |   |
|---------------|------|---|
| Plans         | 5    |   |
| Design        | 20   |   |
| Construction  | 275  |   |
| Total Funding | 300C | C |
23. North Kohala Water Development and System Improvement, Hawaii G29
- Incremental development and improvement of water system, including source development, transmission mains, storage facilities, water quality and related appurtenances.
- |               |      |   |
|---------------|------|---|
| Construction  | 300  |   |
| Total Funding | 300C | C |
24. Water Sources Investigation, and Development, G43  
Oahu
- Engineering and economic studies, geologic and hydrologic investigation, exploration and development for the conservation and utilization of surface and ground water sources including the improvement of water quality.
- |               |      |   |
|---------------|------|---|
| Plans         | 5    |   |
| Design        | 20   |   |
| Construction  | 175  |   |
| Total Funding | 200C | C |

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Ag.	APPROPRIATIONS (\$1,000's)				Total Biennium 1979-81 F
				FY 1979-80 F	FY 1980-81 F	M O	M O	
25.	Water Sources Investigation, and Development, G44 Kauai							
	Plans			5				5
	Design			20				20
	Construction			275				275
	Total Funding		LNR	300C			C	300C
26.	Water Sources Investigation, and Development, G46 Maui							
	Plans			5				5
	Design			20				20
	Construction			275				275
	Total Funding		LNR	300C			C	300C
27.	Mokaeua Island, Oahu Plans and construction for installation of a 2 1/2 inch waterline from Sand Island to Mokauea Island. Unencumbered balances from Item III-C-2, Section 92-F, Act 226, SLH1976 may be used to supplement this project.							
	Plans			5				5
	Design			20				20
	Construction			275				275
	Total Funding		LNR	300C			C	300C
	Construction			1				1
	Total Funding		LNR	1C			C	1C

28.	Waimanalo Irrigation System, Waimanalo, Oahu Plans and construction for improvements to the Waimanalo irrigation system.	LH2601						
	Construction		LNR	20	C	20		
	Total Funding			20C		20C		
29.	Waimanalo Stream, Waimanalo, Oahu Plans and construction of bridge across Waimanalo Stream	LH2602						
	Design			2		2		
	Construction			6		6		
	Total Funding		LNR	8C	C	8C		
	<b>B. EMPLOYMENT ASSISTANCE IN WORK RELATED DIFFICULTIES</b>							
	Vocational Rehabilitation						SOC	802
1.	Molokai Vocational Rehabilitation Facility Design and construct a vocational rehabilitation facility at Kaunakakai to supplement prior appropriation in Act 244 SLH, 1978, Section 2 Item II-K-1.	L.S0207						
	Construction			75		75		
	Total Funding		AGS	75C	C	75C		
	<b>C. TRANSPORTATION FACILITIES AND AIR TRANSPORTATION FACILITIES AND SVCS</b>							
	HIA Facilities & Svcs						TRN	102
1.	Diamond Head Extension to Main Terminal Construction of the Diamond Head extension to the main terminal and appurtenances and the fronting enplaning-deplaning roadways and other miscellaneous improvements. This project qualifies for federal financing/reimbursements.	A07						
	Design							
	Total Funding		TRN	500	B	500B		

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Program ID	APPROPRIATIONS (\$1,000's)				Total
				FY 1979-80	FY 1980-81	M O	M O	
			F	F	F	F	F	
2.	Construct B747 Hardstands and Gates	A08						
	Construct B747 hardstands and holding rooms, air cargo hardstands and appurtenances.							
	This project qualifies for fed aid financing/reimbursement							
	Design					800		800
	Construction					700		700
	Total Funding		TRN			1,500E	E	1,500E
3.	New Inter-Island Terminal	A11						
	Construct new passenger terminal and parking structure, aircraft taxiways and parking apron, connecting roadways and other miscellaneous improvements. Relocate existing inter-island maintenance, cargo and administrative offices. Alterations to existing parking areas, roadways and landscaping. Install furniture and miscellaneous equipment.							
	This project qualifies for fed aid financing/reimbursement.							
	Design					570		570
	Construction					8,730		8,730
	Equipment					200		200
	Total Funding		TRN			6,000E	E	6,000E
			TRN			3,500N	N	3,500N

A23

4. Airfield Improvements  
 Construct associated taxiways and appurtenances and improve fillets at taxiway intersection, reconstruct taxiway C, demolish certain bldgs, install guidance signs, engine runup pad, extended safety areas, strengthen, groove and mark runways and taxiways, install rotating beacon and control panel in control tower, realign control cables and other misc impr. This proj qualifies for fed aid financing/reimb.

Design	100	100
Construction	760	760
Total Funding	860B	860B

B

TRN

A24

5. Alteration and Improvements to Terminal Buildings.  
 Construct additions, alterations, and improvements to existing terminal buildings and appurtenant areas as needed to provide for changes in operational procedures, equipment, safety requirements, and air traffic demands; may be supplemented by Item C-3 of Act 243, SLH 1978.

Design	10	10
Construction	80	80
Equipment	10	10
Total Funding	100B	100B

B

TRN

A25

6. Lagoon Drive Relocation and Utility System Extension  
 Construct new makai roadway along south ramp and extend utility system and other appurtenant improvements.

Design	150	150
Construction	2,150	2,150
Total Funding	2,300B	2,300B

B

TRN

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agency	APPROPRIATIONS (\$1,000's)								
				FY 1979-80	FY 1980-81	FY 1980-81	FY 1980-81	M O F	Total Biennium 1979-81			
7.	Service Court Development. Design and install roads, utilities, landscaping, and other improvements for airline service areas.	A27										
	Design			60								60
	Construction			940								940
	Total Funding		TRN	1,000B			B					1,000B
8.	General Lyman Field Facilities and Svcs Airfield Improvements	B05	TRN 111									
	Construct runway safety areas and other airfield improvements											
	This project qualifies for fed aid financing/reimbursement.											
	Design			10								10
	Construction			190								190
	Total Funding		TRN	200B			B					200B
9.	Improvements to General Aviation Area Construct T-hangars, aprons, lights and other improvements for general aviation This project qualifies for fed aid financing/reimbursement.	B06										
	Design			25								25
	Construction			375								375
	Total Funding		TRN	400B			B					400B
10.	Security Fencing Construct security fencing along public highway. This project qualifies for fed aid financing/reimbursement.	B08										
	Design			3								3
	Construction			47								47
	Total Funding		TRN	50B			B					50B

Ke-Ahole Airport Facilities and Services	TRN 114		
11. Airfield Improvements	C05		
Expand aircraft apron, landscaping, and other appurtenances. This project qualifies for fed aid financing/reimbursement.			
Design		200	200
Construction		2,800	2,800
Total Funding	TRN	1,500E	1,500E
			1,500N
			E
			N
12. Improvements to General Aviation Area	C06		
Construct T-hangars and appurtenances			
Design		4	4
Construction		58	58
Total Funding	TRN	62E	62E
			E
13. Air Cargo Facilities	C07		
Develop facilities for air cargo including utility systems, roadways, parking, and other appurtenant items.			
Design		30	30
Construction		470	470
Total Funding	TRN	500E	500E
			E
Waimea-Kohala Airport Facilities and Svcs	TRN 116		
14. Expand and Improve the Aircraft Apron	C51		
Expand the aircraft parking apron, improve the taxiway grade at the apron and other miscellaneous airfield improvements. This project qualifies for fed aid financing/reimbursement.			
Design		15	15
Construction		171	171
Total Funding	TRN	186E	186E
			E



Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)				Total Biennium O 1979-81 F
					FY 1979-80 F	M O	FY 1980-81 F	M O	
15.	Air Cargo Facilities Develop additional area for cargo facilities including utility systems, roadways, parking and other appurtenant items.	C54			10 110 120E			10 110 120E	
16.	Upolu Airport Facilities and Services Utility Systems Provide potable water, electrical, and sewer systems and other appurtenant improvements.		TRN 118	TRN					
17.	Kahului Airport Facilities and Services Kahului Airport Terminal Expansion Construct additions and alterations to passenger and cargo terminal buildings, parking lot, roadways and other misc. improvements. Landscape and install furniture and other miscellaneous equipment. This project qualifies for fed aid financing/reimbursement.	D04	TRN 131	TRN	8 100 108E			8 100 108E	
									450 8,650 500 7,600E 2,000N

18. Construct Taxiway and Extend Safety Area D05  
 Grade extended safety area for runway 2, construct parallel taxiway along runway 5-23, strengthen runway 5-23, and improve airfield drainage system.  
 This project qualifies for fed aid financing/reimbursement.
- |               |       |      |      |
|---------------|-------|------|------|
| Design        | 75    |      |      |
| Construction  | 1,225 |      |      |
| Total Funding |       | 700E | 700E |
|               |       | TRN  | TRN  |
|               |       |      | 600N |
19. Terminal Roadway and Parking Alterations D06  
 Alteration of terminal roadway, parking areas, lighting, landscaping, and other miscellaneous improvements.
- |               |       |        |        |
|---------------|-------|--------|--------|
| Design        | 180   |        |        |
| Construction  | 2,945 |        |        |
| Total Funding |       | 3,125E | 3,125E |
|               |       | TRN    | TRN    |
20. Air Cargo Facilities D09  
 Develop facilities for air cargo including utility systems, aprons, roadways, parking and other appurtenant items.
- |               |       |        |        |
|---------------|-------|--------|--------|
| Design        | 150   |        |        |
| Construction  | 2,350 |        |        |
| Total Funding |       | 2,500E | 2,500E |
|               |       | TRN    | TRN    |
21. Air Taxi Facilities D10  
 Expand the air taxi terminal and other appurtenant facilities.
- |               |     |      |      |
|---------------|-----|------|------|
| Design        | 40  |      |      |
| Construction  | 660 |      |      |
| Total Funding |     | 700E | 700E |
|               |     | TRN  | TRN  |

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)			
					FY 1979-80	FY 1980-81	Total Biennium 1979-81	M O F
	Molokai Airport Facilities and Services		TRN 141					
22.	Airfield Improvements Acquire Hawaiian Homes land parcels, widen, strengthen, and groove runway, strengthen taxiway and apron and other miscellaneous airfield improvements. This project qualifies for fed aid financing/reimbursement.	D54						
	Land Acquisition				500			500
	Design				250			250
	Construction				3,200			3,200
	Total Funding			TRN	2,950E	E		2,950E
				TRN	1,000N	N		1,000N
23.	Terminal Improvements Construct new air taxi facilities, modify existing terminal building, parking and roadway facilities, provide air cargo handling lease areas and other appurtenant improvements. This project qualifies for fed aid financing/reimbursement.	D55						
	Design				100			100
	Construction				1,300			1,300
	Equipment				200			200
	Total Funding			TRN	1,600E	E		1,600E
24.	Airport Services Lease Lots Develop airport services lease lots and other appurtenant improvements.	D56						
	Design				6			6
	Construction				94			94
	Total Funding			TRN	100E	E		100E

25.	Lanai Airport Facilities and Services Airport Landscaping Grass and landscape the airfield and terminal areas with other appurtenant improvements.	TRN 151	
	D74		
	Design		15
	Construction		235
	Total Funding	TRN	250E
	Lihue Airport Facilities and Services	TRN 161	E
26.	New Passenger Terminal Design and construct new terminal facilities and other miscellaneous improvements. This project qualifies for fed aid financing/reimbursement.		
	E03		
	Design		800
	Construction		4,200
	Total Funding	TRN	4,000E
	Kalaupapa Airport Facilities and Services	TRN	1,000N
	Terminal and Maintenance Facilities	TRN 181	
27.	Construct new maintenance building and expand and modify the passenger terminal building.		
	D92		
	Design		3
	Construction		37
	Total Funding	TRN	40E
	Air Transportation Facilities and Svcs Support	TRN 195	
28.	Airport Planning Statewide Provide basic data and information for proper planning, preliminary designs, special engineering, architectural, environmental and special studies for the statewide system of airports and continue review and updating of master plans. This project qualifies for fed aid financing/reimbursement.		
	F04		
	Plans		875
	Total Funding	TRN	875B
			B

APPROPRIATIONS (\$1,000's)

Cap. Proj. No. Program and Capital Project

Exp. Program ID

FY 1979-80 F M O

FY 1980-81 F M O

Total Biennium 1979-81 F M O

Item No.

29. Improvements for Various Statewide Airports

To install equipment and provide improvements at various airports in the state, including passenger loading bridges, baggage claim devices, intra-terminal buses, energy-saving devices, aircraft ground support power, security doors, sewage grinders, wash racks, waste water disposal system and other miscellaneous improvements for passenger convenience, security, safety and cost saving operations.

Design	500				500
Construction	1,295				1,295
Equipment	2,500				2,500
Total Funding				B	4,295B
				TRN	

WATER TRANSPORTATION FACILITIES AND SERVICES

Honolulu Harbor Facilities and Services

30. Add Recon Rel Improv to Fac Piers 19-34

Addition, reconstruction, relocation and improvement of roadways, sheds, parking, lighting, utilities and other facilities to the Pier 19 to 34 area including improvements to Piers 31-34 backup area, Pier 19 shed, and proposed ship repair/marine construction facility in the Piers 21-26 area.

Design					34
Construction					556
Total Funding				B	590B
				TRN	

31.	Misc Improv to Exist Pier Fac at Hon Har Miscellaneous improvements to existing piers, sheds and yard facilities at Honolulu Harbor, including improvements to lighting, paving, and other facilities.	J03			
	Design		8		8
	Construction		57		57
	Total Funding		65B	B	65B
				TRN	
32.	Container Facilities at Sand Island, Oahu Expansion and development of container facilities at Sand Island, including piers, sheds, yard areas and other improvements.	J06			
	Design		175		175
	Construction		3,950		3,950
	Total Funding		4,125D	D	4,125D
				TRN	
33.	Navigational Improvements to Hon Harbor Navigational improvements. Dredge main entrance channel and main harbor basin, and Kapalama Channel and basin, berthing areas, and construction of revetments and other improvements possible federal participation for this project is approximately \$7,380,000. This project qualifies for fed aid financing/reimbursement.	J09			
	Construction		300		300
	Total Funding		300B	B	300B
				TRN	
34.	Improvements to Piers 39-40 Complex, Hon Har Shed renovation, pier and yard improvements at Piers 39-40	J20			
	Design		110		110
	Construction		1,450		1,450
	Total Funding		1,560B	B	1,560B
				TRN	

Item No.	Cap. Proj. No.	Program and Capital Project	Exp. Agcy.	APPROPRIATIONS (\$1,000's)								
				Program ID	FY 1979-80	FY 1980-81	Total Biennium 1979-81	M O F	M O F			
35.	J24	Aloha Tower Renovation, Honolulu Harbor Improvements and modifications to Aloha Tower										
		Design			10		10					
		Construction			394		394					
		Total Funding	TRN		404B	B	404B					
		Hilo Harbor Facilities and Services		TRN								
36.	L01	Hilo Harbor Improvements, Hawaii Miscellaneous improvements at Hilo Harbor Port including WTFD shop/warehouse facilities and other related improvements.										
		Design			10		10					
		Construction			78		78					
		Total Funding	TRN		88B	B	88B					
37.	L06	Container Facilities at Hilo Harbor, Hawaii Construction of Lo-Lo container facilities at Hilo Harbor and other related improvements. Unexpended funds from Item C-28, Act 218, SLH 1974, Item C-25, Act 195, SLH 1975, and Item C-22, Act 243, SLH 1978 to be used for design of this project.										
		Construction			3,680		3,680					
		Total Funding	TRN		1,400B	B	1,400B					
			TRN		2,280D	D	2,280D					

Kawaihae Harbor Facilities and Services	TRN 313		
Barge Terminal Improvements at Kawaihae Harbor			
L05			
Demolition of existing office and shop facilities, improvements to barge terminal facilities at Kawaihae Harbor and other related improvements.			
Design		25	25
Construction		100	100
Total Funding	TRN	125B	125B
Nawiliwili Harbor Facilities and Services	TRN 361		
K01			
Nawiliwili Harbor Improvements Kauai			
Nawiliwili Har impr including 12 inch water line, removal of water tank, paving cargo storage areas, utility relocation, lighting, and seawall modifications.			
Design		85	85
Construction		540	540
Total Funding	TRN	625B	625B
Water Transportation Fac & Svcs Support	TRN 395		
I03			
Misc. Imprv. to Fac. at Neighbor Is. Ports Improvements to yard areas, sheds, piers, utilities. Water areas and other facilities.			
Design		4	4
Construction		21	21
Total Funding	TRN	25B	25B
LAND TRANSPORTATION FACILITIES AND SERVICES			
Oahu Highways and Services	TRN 501		
N2			
Interstate H-1 — Pearl City Plans and construction for a new highway interchange between the Kaonoahi Street overpass and the Pearl City offramp.			
Design		3	3
Construction		22	22
Total Funding	TRN	25B	25B



Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)			
					FY 1979-80 F	FY 1980-81 F	M O	Total Biennium 1979-81 F
42.	Interstate H-1 — Waipahu Plans for construction of a new highway inter- change in the vicinity of the Waipahu offramp.	N3						
	Plans				25			25
	Total Funding		TRN		25B	B		25B
43.	Pali and Likehike Highways, Oahu Highway Lighting Plans and installation of twenty lights near the Honolulu entrances of the Pali and Likehike tun- nels.	N6						
	Construction				50			50
	Total Funding		TRN		50B	B		50B
44.	Interstate Route H-1-Middle Street Separation to Koko Head Ave. Honolulu, Oahu— Safety improvements along existing Lunalilo Free- way from Middle Street separation to Koko Head Avenue. This project receives federal aid financ- ing/reimbursement.	Q44						
	Construction				3,397			3,397
	Total Funding		TRN TRN		483D 2,914J	D J		483D 2,914J
45.	Puuloa Road—Kamehameha Highway to Peltier Avenue, Honolulu, Oahu—Widening existing two- lane facility. This project receives federal aid financing/reim- bursement.	R63						
	Construction				278			278
	Total Funding		TRN TRN		97D 181M	D M		97D 181M

R64

Liliha St. Widening, H-1 to King St., Oahu.  
Widening of Liliha Street from H-1 to King Street.  
To be supplemented by unexpended funds from Act  
226, SLH 1976 Item IV-C4 for design and con-  
struction. This project receives federal aid financ-  
ing/reimbursement.

Construction	220	220
Total Funding	TRN	D
	TRN	M
	76D	76D
	144M	144M

S51

Pali Highway Improvement, Waakanaka to  
Vineyard Boulevard, Oahu. Construction of addi-  
tional traffic lanes and signals. This project re-  
ceives federal aid financing/reimbursement.

Construction	277	277
Total Funding	TRN	D
	TRN	K
	97D	97D
	180K	180K

S70

Fort Weaver Road Realignment and Widening  
Including improvements to Kunia Road to provide  
for a connection to H-1, Ewa, Oahu — Increment-  
al realignment and improvement of existing two-  
lane highway to a divided highway, or temporary  
improvements to the existing two-lane highway.  
This project receives federal aid financing/reim-  
bursement.

Construction	1,475	1,475
Total Funding	TRN	D
	TRN	M
	516D	516D
	959M	959M

S78

Guardrail & Shoulder Improve. At Various Loc  
on State Highways on Oahu.  
Upgrading of existing dirt or sod shoulders with  
stabilized base and surface treatment or paving and  
installation of metal guardrails, concrete safety bar-  
riers and inodernization of existing guardrails at  
various locations on state highways on Oahu. To be  
supplemented by funds from Act 243, SLH 1978,  
Items C-36 & C-37, for design and construction.

Design	27	27
Construction	400	400
Total Funding	TRN	D
		427D

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	FY 1979-80		FY 1980-81		Total Biennium 1979-81
					M O	F	M O	F	
50.	Highway Lighting Improvements, Oahu. Highway lighting improvements and rehabilitation at various locations on Oahu.	S80			40				40
	Design								370
	Construction		TRN		370				410D
	Total Funding				410D			D	410D
51.	Likelike Highway, Stabilization of Fill, Oahu Stabilization of fill on Likelike Highway from Kula Kolea Drive to Valley View Drive.	S88							
	Design				25				25
	Construction				200				200
	Total Funding			TRN	225D			D	225D
52.	Traffic Lights — Wylie Street, Nuuanu Ave and Pali Hwy Plans and construction for installation of traffic lights.	LH1501							
	Plans				5				5
	Design				5				5
	Construction				50				50
	Total Funding			TRN	60C			C	60C
53.	Likelike Highway and North School Street, Oahu Plans and design for improvements to intersection.	LH1601							
	Plans				30				30
	Total Funding			TRN	30C			C	30C
54.	Likelike Highway and Kalihī Street, Oahu Plans and design for improvements to intersection.	LH1602							
	Plans				10				10
	Total Funding			TRN	10C			C	10C

55.	Alu Street and Likelike Highway, Oahu Plans and construction of safety improvements in- tersection.	LH1650					
	Design		10			10	
	Construction		50			50	
	Total Funding		60C		C	60C	
56.	Wilson Street and Likelike Highway, Oahu Plans and engineering of traffic lights at intersec- tion.	LH1651					
	Design		10			10	
	Total Funding		10C		C	10C	
57.	Kalihi Street and Likelike Highway, Oahu Plans and construction of improvements at inter- section.	LH1652					
	Design		10			10	
	Total Funding		10C		C	10C	
58.	School Street and Likelike Highway, Oahu Planning and construction of improvements at in- tersection.	LH1653					
	Design		5			5	
	Construction		20			20	
	Total Funding		25C		C	25C	
59.	Aloha Stadium Pedestrian Overpass, Moanalua Road, Oahu Plans and construction for a pedestrian overpass across Moanalua Highway.	LH1801					
	Design		50			50	
	Construction		200			200	
	Total Funding		250C		C	250C	

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agcy.	Program ID	FY 1979-80 F		FY 1980-81 F		Total	
					M O	C	M O	C	Biennium O	Biennium F
60.	Kunia Road, Oahu Plans and construction for installation of state highway lights along Kunia Road between H-1 freeway and Wiikina Drive.	LH2001			120 120C		C		120 120C	
61.	Kamehameha Highway, Oahu Plans and construction for the installation of street lights on Kamehameha Highway between Meheula Parkway and Lanikuhana Avenue.	LH2002			180 180C		C		180 180C	
62.	Farrington Highway, Oahu Plans, design and construction of retaining wall to control erosion on Farrington Highway between Waipio Point Access Road and Awanui Street in Waipahu.	LH2003			2 18 20C				2 18 20C	
63.	Farrington Highway, Oahu Plans and construction of Farrington Highway drainage improvements, providing drainage from storm culvert fronting TMK 9-4-15-20 into Kapa-kahi Stream. Funds from Item II-C-15, Section 2 of Act 244, SLH 1978, shall be used for this project.	LH2004			7 63 70C		C		7 63 70C	

64.	Farrington Highway, Nanakuli, Oahu Survey, plans and construction of pedestrian cross-walks, situated to correspond with city and county of Honolulu bus stops, along entire length of Farrington Highway in Nanakuli	LH2101	Plans Construction Total Funding	1 4 5C	C
65.	21st Representative District Transportation Projects, Oahu Plans and construction of transportation facilities and projects within the 21st representative district.	LH2102	Construction Total Funding	10 10C	C
66.	Kamehameha Highway, Oahu Plans and construction for pavement of shoulder of Kamehameha Highway fronting all of Kahuku High School for bus loading and unloading purposes.	LH2201	Design Construction Total Funding	7 33 40C	C
67.	Kamehameha Highway, Haleiwa to Wahiawa, Oahu Plans for a truck lane on Kamehameha Highway from Wahiawa to Haleiwa.	LH2250	Plans Total Funding	50 50C	C
68.	Kamehameha Highway, Wahiawa, Oahu Plans and construction for installation of street lights along Kamehameha Highway from Karsten Thot Bridge to Whitmore Avenue.	LH2251	Plans Construction Total Funding	5 25 30C	C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)			Total Biennium O 1979-81 F
					FY 1979-80 F	FY 1980-81 F	M O	
69.	Poamoho, Kamehameha Highway, Oahu Plans and construction for the widening of Kamehameha Highway at Poamoho	LH2252						
	Plans				15			15
	Construction				85			85
	Total Funding			TRN	100C		C	100C
70.	Kamehameha Highway Fronting Kaaawa Elementary School Drainage System, Oahu Design and construction of a drainage system fronting Kaaawa Elementary School.	LH2301						
	Construction				50			50
	Total Funding			TRN	50C		C	50C
71.	Haiku Road Pedestrian Overpass, Oahu Plans and construction of a pedestrian overpass fronting Heeia Elementary School.	LH2302						
	Construction				75			75
	Total Funding			TRN	75C		C	75C
72.	Maunawili Bridge, Oahu Plans and construction to bridge to eliminate noise.	LH2401						
	Construction				8			8
	Total Funding			TRN	8C		C	8C
73.	Drainage Improvements—Castle High School, Oahu Plans, design and construction of road drainage improvements to mauka lane fronting Castle High School.	LH2402						
	Construction				30			30
	Total Funding			TRN	30C		C	30C

74.	Likelike and Kam Highway, Oahu Plans, design and construction for improvements to lights at intersection of Likelike and Kam Highway.	LH2403	TRN	10 10C	C	10 10C
	Construction Total Funding					
75.	Pali and Kalaniana'ole Highway Intersection, Oahu Plans and construction for replacement of present lights to pressure lights at intersection of Pali and Kalaniana'ole Highway.	LH2404	TRN	6 6C	C	6 6C
	Construction Total Funding					
76.	Kamehameha Highway, Kaneohe, Oahu Plans and construction for installation of street lights from Castle Junction to and including the front of Hawaii Loa College.	LH2450	TRN	42 42C	C	42 42C
	Construction Total Funding					
77.	Kalaniana'ole Highway, Waimanalo, Oahu Plans and construction of pedestrian and traffic safety improvements on Kalaniana'ole Highway.	LH2601	TRN	1 4 5C	C	1 4 5C
	Design Construction Total Funding					
78.	Kamehameha Highway, Oahu Design and construction for incremental resurfacing and general highway improvements, including bike lanes on Kamehameha Highway from Hygienic Store to Kahuku Hospital.	LS0317	TRN	225 225C	C	225 225C
	Construction Total Funding					



Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)			
					FY 1979-80 F	FY 1980-81 F	Total Biennium 1979-81 F	
79.	Kaneohe Bay Drive, Oahu Design and construction for incremental reconstruction of existing two-lane Kaneohe Bay Drive to accommodate shoulders, bike lanes and walkways	LS0318			100 100C			100 100C
80.	Likelike Highway, Oahu Design and construction for installation of street lights along Likelike Highway from the Wilson Tunnel toward Kaihi.	LS0319			30 30C			30 30C
81.	Pali Highway, Oahu Design and construction for installation of street lights along Pali Highway from the Pali Tunnel towards Nuuanu.	LS0320			50 50C			50 50C
82.	Bypass Route Around Haleiwa, Oahu Design and construction for a bypass route around Haleiwa, Oahu. Supplements prior appropriations.	LS0409			50 50C			50 50C

83.	Farrington Highway Drainage Improvements, Oahu LS0410	Design and construction for drainage from a storm culvert fronting TMK 9-4-15:20 and TMK 9-4-14:1 into Kapakahi Stream. To be supplemented by funds from Act 244, SLH 1978, item III-C-15.	TRN	10 65 75C	C	10 65 75C
84.	Sidewalks and Bikeways, Kaneohe Bay Drive, Oahu LS0421	Design and construction for sidewalks and bikeways along Kaneohe Bay Drive from Castle High School to Mikiola Drive.	TRN	10 90 100C	C	10 90 100C
85.	Guardrails at Ulupii Street and Kalaniana'ole Highway, Oahu LS0422	Design and construction to extend guardrails at Ulupii Street and Kalaniana'ole Highway.	TRN	5 5C	C	5 5C
86.	Ground Improvements for State Highways, Oahu LS0520	Plans, design, construction of ground improvements, including landscaping of road shoulders and medial strips along state highways for the abatement of noise and air pollution.	TRN	70 70C	C	70 70C

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Program ID	APPROPRIATIONS (\$1,000's)				Total Biennium 1979-81 F
				FY 1979-80 F	FY 1980-81 F	M O	M O	
87.	Salt Lake Boulevard, Oahu Plans, design and construction for improvements to the intersection of Salt Lake Boulevard and Kalaloa Street, including sidewalks and shoulder improvements.	LS0521		25 25C	C	25 25C		
	Construction Total Funding		TRN					
	Hawaii Highways and Services		TRN 511					
88.	Kuakini Highway, Hawaii Realignment of present two-lane highway to meet the Kailua-Kawaihae Road at its intersection with Palani Road.	T04		1,870 1,870D	D	1,870 1,870D		
	Land Acquisition Total Funding		TRN					
89.	Hawaii Belt Road, Climbing Lanes, Hamakua, Hawaii. Construction of climbing lanes from Kaawali Gulch to Ookala Cemetery.	T26		404 404D	D	404 404D		
	Construction Total Funding		TRN					
90.	Hawaii Belt Road, Puna, Hawaii— Improvement and realignment of existing two-lane highway to four-lane highway from the vicinity of Slaughter House Road to south of the Keau-Pahoa Road, including improvement of the Hawaii Belt Road and Keau-Pahoa Road intersection.	T56		170 170D	D	170 170D		
	Construction Total Funding		TRN					

91. Hawaii Belt Road, Truck Climbing Lanes, T61  
 Pepekeo, south Hilo, Hawaii—Construction of  
 climbing lanes on Hawaii Belt Road at Pepekeo.

Construction 609  
 Total Funding 609D D 609D 609D

92. Keaau—Pahoa Rd., Puna, Hawaii T62  
 Realignment of highway from the vicinity of  
 Keonepoko Homesteads to Pahoa-Kalapana road in  
 the vicinity of the Pahoa-Kalapana-Kapoho Road  
 junction. This project receives federal aid  
 financing/reimbursement

Land Acquisition 380  
 Design 145  
 Total Funding 278D D 278D  
 TRN 247L L 247L

93. Guardrail and Shoulder Improvements, Various T77  
 Locations on State Highways on Hawaii  
 Upgrading of existing dirt or sod shoulders with  
 stabilized base and surface treatment or paving and  
 installation of metal guardrails and modernization  
 of existing guardrails at various locations on state  
 highway on Hawaii to be supplemented by funds  
 from Act 243 SLH78 items C-48 C-49 which may  
 be used for design and construction.

Design 12  
 Construction 230  
 Total Funding 242D D 242D

94. Hawaii Belt Road, Plumeria Road Intersection, LH0301  
 Plans and construction for improvements at Plum-  
 eria Road, Hawaii Belt Road, Honokaa.

Construction 100  
 Total Funding 100C C 100C 100C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)				Total Biennium 1979-81
					FY 1979-80	FY 1980-81	M O F	M O F	
95.	Hawaii Belt Highway, Kona, Hawaii Design and construction of general safety improvements between Milolii and Honaunau, Kona, Hawaii.	LS0130		TRN	50 50C			50 50C	
96.	Overpass at Kealakehe School, Hawaii Design and construction of an overpass over Palani Road to Kealakehe School in Kona, Hawaii.	LS0131		TRN	40 40C			40 40C	
97.	South Hilo Road Improvements, Hawaii Improvements to existing streets in Hilo area. Supplements prior appropriations.	LS0132		TRN	20 20C			20 20C	
98.	Maui Baseyard, Kahului, Maui. Design and construction for Maui district baseyard.	V17	TRN 531	TRN	375 375D			375 375D	
99.	Piihoni Highway, Kihei to Ulupalakua, Maui—incremental construction of highway from Kihei to Ulupalakua. This project receives federal aid financing/reimbursement.	V43		TRN	3,907 1,302D 2,605K			3,907 1,302D 2,605K	D K

100.	<p>Hana Highway—Huelo to Hana, Maui                      Repair and replacement of bridges and culverts, safety improvements and resurfacing of Hana Highway from Huelo to Hana to be supplemented by funds from Act 226 SLH 1976 Item C-40 and Act 243 SLH 1978 Item C-53 which may be used for land acquisition design and construction.</p>	V45	<p>Land Acquisition                      Design                      Construction                      Total Funding</p>	<p>50                      60                      530                      640D</p>	<p>D</p>
101.	<p>Guardrail and Shoulder Improvements on State Highways on Maui.                      Upgrading of existing dirt or sod shoulders with stabilized base and surface treatment or paving and installation of metal guardrails and modernization of existing guardrails at various locations on state highways on Maui. To be supplemented by funds from Act 243, SLH 1978, Items C-56 &amp; C-57 which may be used for design and construction.</p>	V48	<p>Design                      Construction                      Total Funding</p>	<p>25                      300                      325D</p>	<p>D</p>
102.	<p>Hana Highway Improvements, Maui                      Design and construct a sidewalk along Hana Highway between lower Paia Community Center and lower Paia town.                       Molokai Highways and Services</p>	LS0212	<p>Design                      Construction                      Total Funding</p>	<p>8                      47                      55C</p>	<p>C</p>

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Program ID	APPROPRIATIONS (\$1,000's)			
				FY 1979-80 F	FY 1980-81 F	M O	Total Biennium 1979-81 F
103.	Guardrail and Shoulder Improvements on State Highways on Molokai. W08 Upgrading of existing dirt or sod shoulders with stabilized base and surface treatment or paving and installation of metal guardrails and modernization of existing guardrails at various locations on state highways on Molokai.			10 110 120D			10 110 120D
104.	Kamehameha V Highway, Molokai LH0601 Plans and construction for incremental resurfacing of highway toward east-end of Molokai.		TRN	5 45 50C			5 45 50C
105.	Kamehameha V Highway, Molokai LH0650 Plans, design and construction for resurfacing and other improvements to the highway.		TRN	5 45 50C		C	5 45 50C
106.	Kamehameha V Highway, Molokai LS0213 Design and resurface highway toward east end of Molokai to supplement prior appropriation in Act 244 SLH 1978 Section 2 Item II-D-5.		TRN	50 50C		C	50 50C

TRN 551

Lanai Highways and Services

107. Guardrail and Shoulder Improvements on State Highways on Lanai. W58

Upgrading of existing dirt or sod shoulders with stabilized base and surface treatment or paving and installation of metal guardrail and modernization of existing guardrail at various locations on state highways on Lanai.

Design	15	
Construction	150	
Total Funding	165D	D

TRN 561

Kauai Highways and Services

108. Kaunualii Highway—Huleia Bridge Replacement, Kauai. X45

Construction of bridge and approaches to replace existing structure.

Design	175	
Total Funding	175D	D

109. Maalo Road Widening, Kauai. X47

Widen road from Kuhio Highway to Waitua Falls lookout.

Land Acquisition	50	
Design	55	
Total Funding	105D	D



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				FY 1979-80 F	FY 1980-81 F	M O	M O	
110.	Guardrail and Shoulder Improvements at Various Locations on State Highways on Kauai. Upgrading of existing dirt or sod shoulders with stabilized base and surface treatment or paving & installation of metal guardrails & modernization of existing guardrails at various locations on state highways on Kauai. Supplemented by funds from Act 243, SLH 1978, Items C-68 & C-69, which may be used for design & construction.	X51						
	Design			24			24	
	Construction			314			314	
	Total Funding		TRN	338D		D	338D	
111.	Nawiliwili Road Safety Improvements, Kauai	LH2701						
	Plans and construction for realignment of Nawiliwili Road intersecting Kaunualii Highway.							
	Plans			4			4	
	Construction			31			31	
	Total Funding		TRN	35C		C	35C	
112.	Land Transportation Fac & Svcs Support		TRN					
	Renovation of Aliiimoku Building	X93						
	The project shall include the replacement of the air conditioning equipment and installing zone controls, more efficient lighting system, false ceiling and renovation of offices.							
	Plans			20			20	
	Design			50			50	
	Construction			493			493	
	Total Funding		TRN	563D		D	563D	

113.	To Construct Vehicle Size & Weight Enforcement Sites at Various Locations Along State Hwys. . . . . X94				
	Design	37		37	
	Construction	677		677	
	Total Funding	714D	D	714D	
114.	Miscellaneous Drainage Improvements . . . . . X97 Statewide-drainage improvements to existing highway facilities.				
	Land Acquisition	5		5	
	Design	15		15	
	Construction	80		80	
	Total Funding	100D	D	100D	
115.	Miscellaneous Improvements to Existing Intersections and Highway Facilities. . . . . X98 Statewide miscellaneous improvements to existing intersections and highway facilities necessary for traffic safety. This project receives federal aid financing/reimbursement.				
	Land Acquisition	100		100	
	Design	235		235	
	Construction	1,815		1,815	
	Total Funding	625D	D	625D	
		1,525N	N	1,525N	
116.	Land Transportation Planning, Statewide— Road use, road life, economic studies, highway studies, research and advance planning of federal-aid and non federal-aid highway projects. This project receives federal aid financing/reimbursement.				
	Plans	600		600	
	Total Funding	600N	N	600N	

APPROPRIATIONS (\$1,000's)

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FY 1979-80 F M O F  
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D. ENVIRONMENTAL PROTECTION

POLLUTION CONTROL

Solids, Liquids, Gasses, and Noise

1. Sewerage Construction Grants Y01

Grants to county or state agencies for elig water pollution control facilities conforming with the state WPC plan authorized by Act 187/78. State may make grants to finance elig planning, design and/or const costs of projs receiving fed grants. Unexp balances in Item D1, Act 8/74; Item D1 Act 226/76; & Item D1, Act 10/77 shall be used for this purpose. (To be expended by DOH). This proj rec fed aid fm/reimb.

Design

Construction

Total Funding

HTH 840  
 HTH  
 LNR 402  
 I  
 2,999  
 3,000C  
 I  
 2,999  
 3,000C

PRESERVATION AND ENHANCEMENT

Forests and Wildlife Resources

Forest Fences

Forest fences. Fences, for forest reserve and management unit boundary, fence. Standards: 5 strands—barbed or no. 7 galv. wire, 7. Wood posts buried 2.5 ft. Fencing can produce emergency grazing land (drought), noxious plant control by controlled grazing, protection of forest where presence of livestock is detrimental. Project applies 100% to forests and open spaces.

Construction

Equipment

Total Funding

LNR  
 LNR  
 LNR  
 49  
 I  
 50A  
 I  
 49  
 I  
 50A  
 C  
 A  
 49  
 I  
 50A  
 49  
 I  
 50A

3.	Hawaii Endangered Species Facilities Plans and construction of utility buildings and staff and cooperator quarters.	D23		
	Plans		1	
	Design		1	
	Construction		18	
	Total Funding		20C	C
			LNR	
4.	Kanaha Pond Wildlife Sanctuary Improvements Development of water control structures, moats, islands, signs and markers, access roads and public viewing facilities.	D24		
	Plans		2	
	Design		2	
	Construction		16	
	Total Funding		20C	C
			LNR	
5.	Kahoalawe Conservation Program Incremental development of a comprehensive con- servation program for the island of Kahoalawe to include research, surveys, erosion control work, water development, feral animal removal, and the preservation, restoration, and development ob- jects, structures, places and resources of Ka- hoalawe.	D26		
	Plans		10	
	Construction		80	
	Equipment		10	
	Total Funding		100C	C
			LNR	
	Water Resources		LNR	404
6.	Groundwater Monitor Wells—Statewide Incremental construction of monitor wells includ- ing measuring apparatus, vehicle mounted electric well logger and appurtenances.	G55		
	Land Acquisition		10	
	Design		20	
	Total Funding		30C	C
			LNR	

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agy.	APPROPRIATIONS (\$1,000's)					
				FY 1979-80	FY 1980-81	M O F	M O F	Total Biennium 1979-81	
				FY M O	FY M O				
	Coastal Areas								
7.	Sand Island Shoreline Erosion Control, Oahu	140		66			66		
	Shoreline protection and erosion control of the eastern edge of Sand Island. Possible federal aid in the planning period is approximately \$405,000. This project qualifies for fed aid financing/reimbursement.			66C			66C		
	Construction		TRN						
	Total Funding								
8.	Keehi Shoreline Erosion Control, Oahu	170							
	Design and construction of revetment for shoreline protection, clearing, grading, and other improvements at Keehi, Oahu.			25			25		
	Construction			250			250		
	Total Funding		TRN	275C			275C		
	Design								
	Total Funding								
<b>E. HEALTH</b>									
PHYSICAL HEALTH									
Communicable Diseases									
Leprosy									
			HTH 111						
1.	Petroleum Drum Storage Shed	B04							
	Covered storage facility for protection of year's supply of gasoline.								
	Design			3			3		
	Total Funding		AGS	3C			3C		

LS0608

2. Hale Mohalu, Pearl City, Oahu  
Plans, design and construction of leprosy facility.  
Unencumbered balances from Item 3H008 of  
244/78 may be used to supplement this appropria-  
tion.

Design	25†	25†
Construction	325†	325†
Total Funding	350C†	350C†

C

HTH 211

3. New Acute Care Facility in Hilo C28  
To design and construct new acute care hospital.

Construction	15,000	15,000
Total Funding	15,000C	15,000C

C

HTH 212

4. Honokaa Hospital Complex Development, Ha-  
waii LH0301  
Plans and construction to replace non-conforming  
facilities. Supplements prior appropriations.

Design	25	25
Total Funding	25C	25C

C

HTH 213

5. Kau Hospital Recreation and Therapy Area H16  
Plans and construction of a recreation and therapy  
area

Design	3	3
Construction	47	47
Total Funding	50C	50C

C

AGS

†Vetted as indicated and initiated "GRA".

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				FY 1979-80	FY 1980-81	FY 1980-81	FY 1980-81	Total Biennium 1979-81	
				M O F	M O F	M O F	M O F		
6.	Kau Hospital Storage & Maintenance Work Area Plans and construction of a storage and maintenance area.	H17							
	Design			2					2
	Construction			13					13
	Total Funding		AGS	15C					15C
7.	Ka'u Hospital, Hawaii Design and construction for recreation and therapy, office space and restroom, storage and maintenance, employees cottages, to supplement available appropriations.	LS0102							
	Construction			40					40
	Total Funding		AGS	40C					40C
8.	Kohala Hospital Kohala Hospital—Employee Cottages Planning and design of employee quarters.	H11							
	Construction								
	Total Funding		AGS	10					10
				10C					10C
9.	Kona Hospital Kona Hospital—Employee Quarters Planning and design of employee quarters.	H27							
	Plans								
	Design			5					5
	Total Funding		AGS	15					15
				20C					20C

10.	Drywell, old and new Kona Hospital, Hawaii Design and construction of a drywell for storm water protection in the old and new Kona Hospital area.	LS0103						
	Construction					36		36
	Total Funding				AGS	36C	C	36C
11.	Old Kona Hospital, Kona, Hawaii Design and construction for renovation of old Kona Hospital for use by state and government services.	LS0104						
	Construction					100		100
	Total Funding				AGS	100C	C	100C
12.	Hana Medical Center Hana Medical Center Modernization and Renovation Additional space for lab, exam rooms, and conf room, including equip, provide ambulance cover and warehouse for storage, generator, heater, in- cluding equip.		HTH	222				
	Plans					10		10
	Design					30		30
	Total Funding				AGS	40C	C	40C
13.	Kauai Veterans Memorial Hospital Kauai Veterans Memorial Hospital, Kauai Design and construction for the renovation to Kauai Veterans Memorial Hospital, furnishings and other improvements. Unexpended balances from Act 9, Special Session Laws of Hawaii 1977, Item IV- H-1; Act 244, Session Laws of Hawaii 1978, Item V-H-3 may be used for this project.		HTH	231				
	Construction					1		1
	Total Funding				AGS	1C	C	1C





OVERALL PROGRAM SUPPORT		HTH	907	
General Administration				
17.	<p>Wailuku Health Center Expansion                      To provide for plans/design, construction, air conditioning, and equipment for expansion of the Wailuku Health Center.</p> <p>Plans                      Total Funding</p> <p>Private Hospitals &amp; Medical Services</p> <p>St. Francis Renal Dialysis Center, Hilo, Hawaii                      LH0201</p> <p>Plans and construction of the Renal Dialysis Center. Shall be supplemented by Section 2, Item I-H-3 of Act 244, Session Laws of Hawaii 1978. Grant-in-aid.</p> <p>Construction                      Total Funding</p>			<p>25                      25C</p> <p>AGS</p> <p>SUB 601</p> <p>25                      25C</p> <p>HTH</p> <p>75                      75C</p> <p>HTH</p> <p>50                      50C</p> <p>1                      1C</p>
18.	<p>St. Francis Renal Dialysis Center, Hilo, Hawaii                      LH0201</p> <p>Plans and construction of the Renal Dialysis Center. Shall be supplemented by Section 2, Item I-H-3 of Act 244, Session Laws of Hawaii 1978. Grant-in-aid.</p> <p>Construction                      Total Funding</p>			<p>75                      75C</p> <p>HTH</p> <p>50                      50C</p>
19.	<p>Kapiolani Children's Medical Center, Oahu                      LHI301</p> <p>Plans and construction for renovation and additional equipment of Phase II. Grant-in-aid.</p> <p>Equipment                      Total Funding</p>			<p>75                      75C</p> <p>HTH</p> <p>50                      50C</p>
20.	<p>St. Francis Hospital, Oahu                      LH1701</p> <p>Plans, construction and modernization of patient units and other related facilities. Grant-in-aid.</p> <p>Construction                      Total Funding</p>			<p>1                      1C</p> <p>HTH</p> <p>50                      50C</p>
21.	<p>J.W. Cameron Center, Wailuku, Maui                      LS0211</p> <p>Design and construct additional office spaces or renovations to existing buildings at J.W. Cameron Center to accommodate agencies.</p> <p>Construction                      Total Funding</p>			<p>50                      50C</p> <p>HTH</p> <p>50                      50C</p>

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)			
					FY 1979-80 F	FY 1980-81 F	Total Bicentennium 1979-81 F	
22.	Wahiawa General Hospital, Oahu Design and construction for additional facilities to improve services for the central Oahu area. Grant-in-aid.	LS0408						
	Construction				100		100	
	Total Funding			HTH	100C	C	100C	
23.	Kuakini Medical Center, Oahu Plans, design, construction, and equipping of the progressive health care building which will house a 150-bed care home for the elderly, a daycare center for 100 elderly people and a 100-day intermediate care facility. Grant-in-aid to be expended by department of health.	LS0517						
	Construction				50		50	
	Total Funding			HTH	50C	C	50C	
24.	Rehabilitation Hospital of the Pacific, Oahu Plans, design and construction for medical rehabilitation facilities. Grant-in-aid. Unexpended balances from Item III-H-8 of Act 9/1977; Items III-H-6 and III-M-8 of Act 226/1976, Section 9 IF; Item IV-H-12-2 of Act 195/1975; and Item IV-D-4 of Act 218/1974 shall be used for this appropriation.	LS0518						
	Construction				404		404	
	Total Funding			HTH	404C	C	404C	

25. Saint Francis Hospital, Oahu  
 Plans, design, construction, equipping and modernization of patient units and other related facilities. To be expended by the department of health. Grant-in-aid.

50  
 50C  
 HTH  
 C  
 50  
 50C

26. Kapiolani-Children's Medical Center. Oahu  
 Design and construction for renovation and additional equipment of Phase II. Unexpended funds from Item 3H004 of 226/76, Item 3H006 of 9/77, Item 3H002 of 244/78, Item 5H002 of 244/78 shall be used to supplement this appropriation. Grant-in-aid.

150  
 150C  
 HTH  
 C  
 150  
 150C

27. G.N. Wilcox Memorial Hospital and Health Center, Kauai  
 Renovation of existing facility to include refurbishing and repair of existing long-term care wing. Plans and construction for conservation and alternate energy sources projects.

100  
 100C  
 HTH  
 C  
 100  
 100C

**F. SOCIAL PROBLEMS**  
**ASSURED STANDARD OF LIVING**

Housing Assistance  
 Rental Housing Augmentation  
 and Assistance  
 SOC 220

1. Site Improvements—Palolo Homes I  
 Site improvements—install retaining walls—sidewalks—steps—building landings and grading work

80  
 80C  
 SOC  
 C  
 80  
 80C

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agy.	APPROPRIATIONS (\$1,000's)				Total Biennium 1979-81 F
				FY 1979-80 F	FY 1980-81 F	M O	M O	
2.	Renovation of Heater Enclosures at Palolo Homes Replacing existing wood sidings with concrete masonry enclosures and installing new metal frames and doors	KH7902	SOC	122			122	
				122C	C		122C	
3.	Installation of Security and Emergency Call System at Makua Alii Installation of security walls enter phones emergency buzzer for dwelling units signal panel and wirings	KH7903	SOC	80			80	
				80C	C		80C	
4.	Installation of New Doors and Windows at Puhala Homes Replacing existing double-hung windows at bathrooms with new jalousie windows converting existing slide-panel doors to solid core doors and installing new screen doors	KH7904	SOC	40			40	
				40C	C		40C	
5.	New Building Construction and Major Permanent Improvements at Central Office Expand existing and construct new maintenance and administrative space	KH7905	SOC	15			15	
				150			150	
	Design Construction		SOC	165C	C		165C	

6.	Installation of Windbreak Walls at Kalihi Valley Homes Installing concrete masonry walls and concrete walks Construction Total Funding	SOC	20 20C	C	20 20C
7.	Kitchens and Bathrooms Renovation at Lokahi Installing new cabinets floor tiles ceramic tiles shower curtain rods medicine cabinets and touch-up painting Design Construction Total Funding	SOC	8 80 88C	C	8 80 88C
8.	Construction of Community Center Enclosure at Hauiki Replacing existing light fixtures with new vandal-proof fixtures constructing enclosing walls and gates around the building and installing new concrete walks Design Construction Total Funding	SOC	5 45 50C	C	5 45 50C
9.	Kitchens and Bathrooms Renovation at Puahala Homes Replacing existing counter tops installing new cabinets ceramic tiles floor tiles plumbing fixtures and bathroom facilities Design Construction Total Funding	SOC	25 350 375C	C	25 350 375C

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agy.	APPROPRIATIONS (\$1,000's)				Total Biennium 1979-81 F
				FY 1979-80 F	FY 1980-81 F	M O	M O	
10.	Kitchens and Bathrooms Renovation at Palolo Homes I Replacing openshelves with new wall cabinets installing new floor tiles electrical fixtures and alteration to certain plumbing fixtures.	KH7910						
	Design			15			15	
	Construction			250			250	
	Total Funding		SOC	265C	C		265C	
11.	Kitchen Renovation at Hauiki Installation of additional cabinets electrical fixtures floor tiles and plumbing fixtures alteration	KH7911						
	Design			8			8	
	Total Funding		SOC	8C	C		8C	
12.	Electrical Modernization at Lokahi Installing new light fixtures additional outlets partial rewiring and ground fault interrupters	KH7913						
	Design			5			5	
	Total Funding		SOC	5C	C		5C	
13.	Electrical Modernization at Palolo Valley Homes Partial rewiring of electrical system installing new light fixtures upgrading existing electrical devices and providing current interrupter	KH7918						
	Design			12			12	
	Total Funding		SOC	12C	C		12C	

14.	Installation of Security and Emergency Call System at Punchbowl Homes Installing emergency buzzer signal panel security fence walls and enterphone system	KH7919					
	Design				15	15	
	Total Funding		SOC		15C	15C	C
15.	Kaiakaua Homes, Oahu Demolition, relocation, planning, design, and construction of federally aided housing, including energy conservation devices. These funds may also be used to supplement federal funds and for community facilities at this site. Funds from item III-K-5, Section 2, Act 9, SPSLH 1977, shall be used for this project.	LH1201					
	Construction				108	108	
	Total Funding		SOC		108C	108C	C
16.	Makua Alii, Oahu Plans and construction for installation of security and emergency call system	LH1202					
	Construction				70	70	
	Total Funding		SOC		70C	70C	C
17.	Paoakalani, Oahu Plans and construction for installation of security system.	LH1203					
	Construction				20	20	
	Total Funding		SOC		20C	20C	C
18.	Puahala Homes, Oahu Plans and construction for installation of floor tiles in living areas.	LH1601					
	Design				10	10	
	Construction				30	30	
	Total Funding		SOC		40C	40C	C



Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agy.	APPROPRIATIONS (\$1,000's)			Total Biennium 1979-81 F
				FY 1979-80 F	FY 1980-81 F	M O	
19.	<p>Mayor Wright Homes, Oahu</p> <p>Plans and construction of improvements for lighting for porch and stairway; installation of sidewalks; construction of retaining walls for buildings 29 and 50 for purposes of flood control; installation of additional parking stalls; and expansion of office and community facilities</p>	LH1701					
	Design			1		1	
	Construction			24		24	
	Total Funding		SOC	25C	C	25C	
20.	<p>Kaahumanu Homes, Oahu</p> <p>Plans and construction of improvements for installation of rain gutters, sidewalks, fencing around individual yards; floor tiles for all rooms except bathrooms; site lighting for buildings 7 and 13 and of stairways; additional parking spaces; repair roofing; and relocation and replacement of mailboxes.</p>	LH1702					
	Design			1		1	
	Construction			24		24	
	Total Funding		SOC	25C	C	25C	
21.	<p>Kamehameha Homes, Oahu</p> <p>Plans and construction for completion of parking improvements; installation of floor tiles, sidewalks, front porch lights, fencing for Kaihi Street and service drives for King Street around individual yards; and renovation of maintenance shop.</p>	LH1703					
	Design			1		1	
	Construction			24		24	
	Total Funding		SOC	25C	C	25C	

LH1704

22. Kalanihulia Homes, Oahu  
Plans and constructions of improvements to include installation of baffles for elevator lobbies; remodeling of front door and makai units; carpeting or non-skid floor covering; emergency alarm system and exterior lighting of individual apartments

Design I  
Construction 24  
Total Funding 25C  
SOC C

HHL 611

H20

23. Various Subdivisions (Addition)  
At Nanakuli Oahu, Molokai and Waimea, Hawaii subdivisions to put in roads, curbings, water and electrical lines for incremental development of 430 or more residence lots. To provide loan fund capitalization and interim financing for construction of 112 or more homes in Nanakuli, 40 or more homes in Molokai, and 41 or more homes in Waimea, Hawaii.

Design 70  
Total Funding 70C  
HHL C

H21

24. Panaewa Residential Subdivision  
Panaewa, Hawaii to build roads, install utilities and survey and stakeout for incremental development of 120 or more residence lots at Panaewa, Hawaii. To provide loan fund capitalization for construction loans for 23 or more homes.

Design 65  
Total Funding 65C  
HHL C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)				Total Biennium O 1979-81 F
					FY 1979-80 F	FY 1980-81 F	M O	M F	
25.	Various Subdivisions (Addition) At Waianae, Oahu, Anahola, Kauai and Kekaha, Kauai, subdivisions to build roads and curbs, install utilities and stakeout for incremental development of 307 or more residence lots at Waianae, Oahu. To provide loan capitalization and interim financing for construction loans for 107 or more homes in Waianae, 70 or more homes in Anahola, and 30 or more homes in Kekaha.	H23		HHL	50				50
					2,450				2,450
					2,500C		C		2,500C
26.	Waimanalo Residential Subdivision Plans and construction for incremental development and improvements, onsite and offsite, including preparation of master plan.	H24		HHL	195				195
					120				120
					315C		C		315C
27.	Kawaihae Residential Subdivision Plans and construction for incremental development and improvements, onsite & offsite, including preparation of master plan for Kawaihae area.	H35		HHL	420				420
					420C		C		420C

28.	<p>H36 Keaukaha Residential Subdivision Plans and construction for incremental development and improvements, onsite and offsite, including preparation of master plan.</p>	<p>Design Construction Total Funding</p> <p>10 380 390C</p> <p>HHL</p>	<p>10 380 390C</p> <p>C</p>
29.	<p>H-34 Statewide Residential Loan Fund Capitalization To provide additional capitalization to the Hawaiian home general loan fund for the construction of homes</p>	<p>Construction Total Funding</p> <p>1,900 1,900C</p> <p>HHL</p>	<p>1,900 1,900C</p> <p>C</p>
30.	<p>H-37 Nanakuli Residential Subdivision Plans and construction for incremental development and improvements, onsite and offsite, including preparation of master plan</p>	<p>Plans Total Funding</p> <p>100 100C</p> <p>HHL</p>	<p>100 100C</p> <p>C</p>
31.	<p>H-42 Anahola Residence Lots Drainage Improvements Plans and construction of drainage improvements to alleviate existing flood hazard in vicinity of Kukuihale, Makaio, and Manamana roads</p>	<p>Design Construction Total Funding</p> <p>10 70 80C</p> <p>HHL</p>	<p>10 70 80C</p> <p>C</p>
32.	<p>H-44 Kekaha Residential Subdivision Plans and construction for incremental development and improvements, onsite and offsite, including preparation of master plan</p>	<p>Design Total Funding</p> <p>50 50C</p> <p>HHL</p>	<p>50 50C</p> <p>C</p>

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)			
					FY 1979-80 F	FY 1980-81 F	M O	Total Biennium 1979-81 F
33.	Anahola Residential Subdivision Plans and construction for incremental development and improvements, onsite and offsite, including preparation of master plan	H-46						
	Design				75			75
	Total Funding			HHL	75C			75C
34.	Waianae Residence Lots Park Plans and construction necessary to develop a park at the Waianae residence lots. Improvements may include playfield, courts, comfort station, and other park amenities.	H-48						
	Design				20			20
	Construction				180			180
	Total Funding			HHL	200C			200C
35.	Hawaiian Home Lands Project, Kalamaula, Molokai Plans for development of Hawaiian home lands in accordance with DHHL general plan	H-49						
	Plans				75			75
	Total Funding			HHL	75C			75C
36.	Hawaiian Home Lands Project, Kawaihae, Hawaii Plans for development of Hawaiian home lands in accordance with DHHL general plan	H-50						
	Plans				50			50
	Total Funding			HHL	50C			50C

37.	<p>Waianae Valley Road Widening, Oahu Plans and construction for widening and improve- ments to Waianae Valley road from mauka McAr- thur Street to Kumaipo Streets.</p>	LH2150	<p>I 115 I 117C</p>
	<p>Land Acquisition Design Construction Total Funding</p>		C
		HHL	
		HHL	
38.	<p>Makapuu Interceptor Sewer Lines, Waimanalo, Oahu Plans and construction of Makapuu Interceptor Sewer Line.</p>	LH2601	<p>75 75C</p>
	<p>Construction Total Funding Private Housing Development &amp; Ownership</p>		C
		HHL	
		HHL	
		SOC 225	
39.	<p>Experimental Cost-Buster Houses Development and construction of four experimen- tal and demonstration houses to be constructed on each of the following islands: Oahu, Kauai, Maui, and Hawaii</p>	COH01	<p>60 120 180C</p>
	<p>Design Construction Total Funding Teacher Housing</p>		C
		AGS	
		SOC 807	
40.	<p>Lanai High and Elementary School, Lanai Plans and construction of improvements including re-roofing and termite treatment for teachers' cot- tages.</p>	LH0601	<p>14 14C</p>
	<p>Construction Total Funding</p>		C
		AGS	
		14 14C	

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agcy.	Program ID	FY 1979-80		FY 1980-81		Total Biennium 1979-81	
					FY M	FY O	FY M	FY O	M	O
41.	Maunaloa School, Molokai Plans and construction of improvements including exterior painting and termite treatment for teachers' cottage.	LH0602			6				6	
	Construction		AGS		6C		C		6C	
	Total Funding									
	Housing Assistance Administration			SOC 229						
42.	Brantley Center, Honokaa, Hawaii Design and construction for the renovation of windows, repair of leaking roof and extension of two classrooms. Unexpended balance from Act 244, SLH 1978, Sec. 2, Item I-K-1 shall be used to supplement this appropriation.	LS0112								
	Construction		AGS		10				10	
	Total Funding				10C		C		10C	
	OVERALL PROGRAM SUPPORT FOR SOCIAL PROBLEMS									
	Plan, Program Dev & Coord of Svcs for Elderly			GOV 602						
43.	Hawaii State Senior Center, Lanakila, Oahu Plans, design and construction for the repairs and renovation to existing facilities. To be supplemented by prior appropriations.	LS0511								
	Construction		AGS		45		C		45	
	Total Funding				45C				45C	

SOC 903

General Support for Public Welfare

LS0314

44. Waimanalo Community Service Center, Oahu  
 Design and construction for a multi-purpose community service center. Unexpended balances from Act 244/78 Sec 2 Item 3-K-8 may be used to supplement this appropriation, including improvements to existing facilities.

Construction	172	172
Total Funding	172C	172C
	AGS	C

**G. FORMAL EDUCATION  
 LOWER EDUCATION**

Instruction  
 Regular Instruction Program  
 EDN 105

1. Relocate and Construct Portable Classrooms 001

Relocation and construction of portables each school year to meet enrollment shifts among schools, consolidation of schools, unforeseen emergencies, and to provide temporary facilities while new schools are being planned and/or under construction. These funds are also for secondary schools

Design	100	100
Construction	900	900
Total Funding	1,000C	1,000C
	AGS	C

2. Minor Improvements 002

Minor additions, renovations and improvement to buildings and school sites for student safety and health, and protection of property. Project adjustment fund for projects requiring supplemental funds due to price increases.

Design	25	25
Construction	475	475
Total Funding	500C	500C
	AGS	C





8.	Kula Elementary School, Maui Plans and construction of extension and improvements of sidewalks, driveway, and parking area.	LH0550							
	Design					20			
	Construction					60			
	Total Funding					80C	C		80C
			AGS						
9.	Lihikai School, Maui Plans and construction for an additional parking area with lights. Supplements prior appropriation.	LH0551							
	Construction					27			27
	Total Funding					27C	C		27C
			AGS						
10.	Maui High School, Maui Plans and construction of a chain-link fence around the agriculture department.	LH0552							
	Plans					1			1
	Total Funding					1C	C		1C
			AGS						
11.	Paia School, Maui Plans and construction of multi-purpose paved playground.	LH0553							
	Design					17			17
	Construction					33			33
	Total Funding					50C	C		50C
			AGS						
12.	Kilohana School, Molokai Plans and construction of a new kitchen/dining facility and other improvements.	LH0601							
	Construction					30			30
	Total Funding					30C	C		30C
			AGS						
13.	Wailuku Elementary School, Maui Plans and construction of bus loading and parking areas and administration building.	LH0602							
	Construction					25			25
	Total Funding					25C	C		25C
			AGS						

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agy.	APPROPRIATIONS (\$1,000's)			
				Program ID	FY 1979-80 F	FY 1980-81 F	Total Biennium 1979-81 F
14.	Kaunakakai School, Molokai Plans and construction of custodial storage and work room and installation of sprinkler system and other improvements.	LH0603	AGS	10			10
				10C	C		10C
15.	Kamehameha III School, Lahaina, Maui Plans and construction of asphalt pavement adjacent to playground.	LH0604	AGS	1			1
				3			3
	Design Construction			4C	C		4C
16.	Lahaina Intermediate School, Maui Plans and installation of sprinkler system and other improvements.	LH0605	AGS	2			2
				8			8
	Design Construction			10C	C		10C
17.	Wailuku Elementary School, Maui Plans and construction of parking and bus-loading areas and administration building.	LH0650	AGS	25			25
				25C	C		25C
	Design Construction						
18.	Lanai Elementary and High School, Lanai Plans and construction for reroofing and termite treatment of teachers' housing facilities and necessary equipment.	LH0651	AGS	14			14.
				14C	C		14C
	Design Construction						

19.	Maunaloa School, Molokai Plans and construction to include exterior painting and termite treatment of teachers' housing facilities.	LH0652	Construction Total Funding	6 6C	C	6 6C
20.	Baldwin High School, Maui Plans, design and construction of physical education multi-purpose room and two paved play courts.	LH0653	Design Construction Total Funding	2 18 20C	C	2 18 20C
21.	Wailuku Elementary School, Maui Land acquisition for six-classroom building project. Supplements prior appropriation.	LH0654	Land Acquisition Total Funding	15 15C	C	15 15C
22.	Kaunakakai School, Maui Plans and construction to include land site preparation and hauling of top soil and cinders to cover school recreation area.	LH0655	Construction Total Funding	15 15C	C	15 15C
23.	Kilohana Elementary School, Molokai Plans and construction of administration and library facilities.	LH0656	Design Construction Total Funding	2 12 14C	C	2 12 14C

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Program ID	FY 1979-80		FY 1980-81		Total Biennium 1979-81
				FY M O F	FY M O F			
24.	Lanai Elementary and High School, Lanai Plans and construction to include exterior painting of teachers' housing facilities.	LH0657						
	Construction			12				12
	Total Funding		AGS	12C		C		12C
25.	Iao School, Maui Plans, design and construction of physical education facilities, including lockers and shower rooms.	LH0658						
	Design			1				1
	Construction			9				9
	Total Funding		AGS	10C		C		10C
26.	Iao School, Maui Plans, design and construction of one bandroom and paved play courts.	LH0659						
	Design			1				1
	Construction			9				9
	Total Funding		AGS	10C		C		10C
27.	Kaunakakai School, Molokai Plans, design, land site preparation, construction and equipping of custodial storage and work room, toilet facilities and adjacent ramp.	LH0660						
	Design			1				1
	Construction			9				9
	Total Funding		AGS	10C		C		10C
28.	Kamehameha III School, Lahaina, Maui Plans and construction to include ground site preparation and paving of cafeteria lot	LH0661						
	Design			1				1
	Construction			9				9
	Total Funding		AGS	10C		C		10C
	Construction			4				4
	Total Funding		AGS	4C		C		4C

29.	Kokohead Elementary School, Oahu Plans and construction for improvements including painting interior and exterior of all buildings except library.	LH0701							
	Construction		180						180
	Total Funding		180C						180C
			AGS						C
30.	Kaiser High School, Oahu Plans, design, construction, and equipment for improvements to include restroom facilities	LH0702							
	Design		3						3
	Construction		28						28
	Total Funding		31C						31C
			AGS						C
31.	Kaiser High School, Oahu Improvements to Kaiser High School library including equipment	LH0703							
	Equipment		3						3
	Total Funding		3C						3C
			AGS						C
32.	Kaiser High School, Oahu Plans and construction for the installation of activity lights for security.	LH0750							
	Design		20						20
	Construction		180						180
	Total Funding		200C						200C
			AGS						C
33.	Kaiser High School, Oahu Plans and construction of the language arts/social studies classroom building	LH0751							
	Design		7						7
	Construction		58						58
	Total Funding		65C						65C
			AGS						C

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agy.	APPROPRIATIONS (\$1,000's)				Total Biennium O 1979-81 F
				FY 1979-80 F	FY 1980-81 F	M O	M O	
34.	Koko Head Elementary School, Oahu Plans and construction for the installation of tinted glass windows for 29 classrooms.	LH0752	AGS	3 22 25C	C	3 22 25C		
	Design							
	Construction							
	Total Funding							
35.	Niu Valley Intermediate School, Oahu Plans and construction for the renovation of the cafeteria.	LH0753	AGS	1 9 10C	C	1 9 10C		
	Design							
	Construction							
	Total Funding							
36.	Kalani High School, Oahu Plans and construction for renovations to the gymnasium for additional locker facilities needed to accommodate increased Title IX demands.	LH0801	AGS	25 225 250C	C	25 225 250C		
	Design							
	Construction							
	Total Funding							
37.	Kalani High School, Oahu Plans and construction for renovations to the cafeteria to accommodate school-wide performances.	LH0802	AGS	12 113 125C	C	12 113 125C		
	Design							
	Construction							
	Total Funding							

38.	Kaimuki Intermediate School, Oahu Plans and construction of improvements to facilities.	LH0803	AGS	25 25C	C	25 25C
	Construction Total Funding					
39.	Aina Haina School Library, Oahu Plans and construction for renovations of the library.	LH0804	AGS	74 74C	C	74 74C
	Construction Total Funding					
40.	Aliiolani Elementary School, Oahu Plans and construction for the demolition of the present auditorium, construction of a hard-surface play area, and the expansion of the present cafeteria to provide a stage area. Supplements prior appropriation.	LH0901	AGS	80 80C	C	80 80C
	Construction Total Funding					
41.	Palolo Elementary School, Oahu Plans and construction of improvements to include covered walkways from the administration building to the cafeteria; from "L" building to the cafeteria; and from the covered playcourt to the existing covered walkway alongside the cafeteria.	LH0902	AGS	85 85C	C	85 85C
	Construction Total Funding					
42.	Hokulani Elementary School, Oahu Plans and renovation of existing facilities for art, science and teacher work centers.	LH0903	AGS	65 65C	C	65 65C
	Construction Total Funding					



Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agv.	APPROPRIATIONS (\$1,000's)				
				FY 1979-80	FY 1980-81	FY 1981-82	Total Biennium 1979-81	Total Biennium 1981-82
43.	Kaimuki High School, Oahu Plans and construction for improvements to the swimming pool.	LH1001						
	Design			15			15	
	Construction			135			135	
	Total Funding		AGS	150C		C	150C	
44.	Liholiho Elementary School, Oahu Plans and construction for renovation to the existing cafeteria.	LH1002						
	Design			10			10	
	Construction			90			90	
	Total Funding		AGS	100C		C	100C	
45.	Waialae Elementary School, Oahu Plans, design and construction of a chain link fence along the 20th Avenue boundary of the school.	LH1003						
	Design			1			1	
	Construction			5			5	
	Total Funding		AGS	6C		C	6C	
46.	Waikiki Elementary School, Oahu Plans and construction for installation of additional outlets in 24 regular classrooms in buildings A, B, C to increase the basic educational program.	LH1004						
	Construction			50			50	
	Total Funding		AGS	50C		C	50C	

47.	Waikiki Elementary School, Oahu Plans and construction for installation of 12 fly repellent fans at entrances and exits of kitchen and dining room.	LH1005							
	Construction							20	20C
	Total Funding							20C	
			AGS						C
48.	Waikiki Elementary School, Oahu Plans and construction of improvements to include painting exterior of classrooms in building A, B, C.	LH1006							
	Construction							25	25C
	Total Funding							25C	
			AGS						C
49.	Roosevelt High School, Honolulu Plans, construction, and installation of steel covers for windows on 1st floor of the administration building and the replacement of doors to auditorium and gymnasium.	LH1301							
	Design							9	9
	Construction							21	21
	Total Funding							30C	30C
			AGS						C
50.	Roosevelt High School, Honolulu Plans and construction of stone wall and steps on the corner of Nehoa Street and Mott-Smith Drive to prevent erosion.	LH1302							
	Design							5	5
	Construction							70	70
	Total Funding							75C	75C
			AGS						C
51.	Stevenson Intermediate School, Honolulu Plans and construction for renovation of art and home economics classrooms.	LH1303							
	Design							1	1
	Construction							9	9
	Total Funding							10C	10C
			AGS						C

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agency.	APPROPRIATIONS (\$1,000's)				Total Biennium 1979-81 F
				FY 1979-80 F	FY 1980-81 F	M O	M O	
52.	Manoa School, Oahu Plans and construction to enlarge driveway and parking lot leading to administration building.	LH1304						
	Design			5				5
	Construction			60				60
	Total Funding		AGS	65C		C		65C
53.	Roosevelt High School, Honolulu Plans and construction to renovate gymnasium for soundproofing.	LH1305						
	Design			3				3
	Construction			27				27
	Total Funding		AGS	30C		C		30C
54.	Roosevelt High School, Honolulu Plans and construction to renovate auditorium including replacement of seats, doors, and acoustical improvements.	LH1306						
	Design			10				10
	Construction			20				20
	Total Funding		AGS	30C		C		30C
55.	Roosevelt High School, Honolulu Plans and construction of stairway, or additional overhead walkway from building C and G to building A.	LH1307						
	Design			5				5
	Construction			20				20
	Total Funding		AGS	25C		C		25C

56.	LH1308 Roosevelt High School, Honolulu Plans and construction to reopen, resurface and extend the fireroad behind building N leading to building G and the reconstruction of parking lot adjacent to building G.	Design Construction Total Funding	4 36 40C
		C	
57.	LH1309 Roosevelt High School, Honolulu Plans and construction for the expansion of band room and to include practice rooms.	Construction Total Funding	50 50C
		C	
58.	LH1310 Roosevelt High School, Honolulu Plans and construction for improvements to lockers and storage rooms.	Construction Total Funding	10 10C
		C	
59.	LH1311 Stevenson Intermediate School, Honolulu Plans and construction for remodeling of building	A. Construction Total Funding	60 60C
		C	
60.	LH1501 Nuananu Elementary School, Oahu Plans and construction for a covered gymnasium over present playcourt, chain link fence around playcourt area and improved lighting on campus.	Design Construction Total Funding	7 33 40C
		C	

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)			Total Biennium O 1979-81 F	Total Biennium M 1980-81 F
				Exp. Agy.	FY 1979-80 F	FY 1980-81 F		
61.	Kawanakoa School, Oahu Plans and construction for the installation of air conditioning in library.	LH1502		AGS	Design	1		1
					Construction	3		3
					Equipment	6		6
					Total Funding	10C		10C
62.	Paoua Elementary School, Oahu Plans and construction to replace the present casement windows with wooden jalousies in buildings B and C.	LH1503		AGS	Design	2		2
					Construction	8		8
					Total Funding	10C		10C
								C
63.	Roosevelt High School, Oahu Plans and construction for installation of steel window covers on the first level of the administration building.	LH1504		AGS	Design	1		1
					Construction	9		9
					Total Funding	10C		10C
								C
64.	Farrington High School, Oahu Plans and construction for improvement and renovation to weight room and locker room facilities.	LH1601		AGS	Plans	5		5
					Construction	20		20
					Total Funding	25C		25C
								C

65.	Farrington High School, Oahu Plans and construction for improvement and renovation of football field and facilities.	LH1602	AGS 10 20 30C	C 10 20 30C
66.	Farrington High School, Oahu Plans and construction of a greenhouse.	LH1603	AGS 10 10C	C 10 10C
67.	Kalihi Elementary School, Oahu Plans and construction for repainting and repairing of buildings.	LH1604	AGS 10 20 30C	C 10 20 30C
68.	Dole Intermediate School, Oahu Plans for improvement of locker rooms.	LH1605	AGS 10 10C	C 10 10C
69.	Kalihi Uka Elementary School, Oahu Plans for expansion and renovation of library.	LH1606	AGS 10 10C	C 10 10C
70.	Kalihi Uka Elementary School, Oahu Plans and construction for installation of security screens.	LH1607	AGS 3 7 10C	C 3 7 10C

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agy.	Program ID	APPROPRIATIONS (\$1,000's)				Total Biennium 1979-81
					FY 1979-80	FY 1980-81	M O	M O	
71.	Lanakila Elementary School, Oahu Plans and construction for installation of fence.	LH1608							
	Plans				3				3
	Construction				7				7
	Total Funding		AGS		10C		C		10C
72.	Lanakila Elementary School, Oahu Construction of concrete loading zone.	LH1609							
	Plans				3				3
	Construction				7				7
	Total Funding		AGS		10C		C		10C
73.	Farrington High School, Oahu Plans and construction for installation of security screens to buildings E, R, G, F, Q, T, and student council room; and improvements to student council room.	LH1650							
	Design				1				1
	Construction				34				34
	Total Funding		AGS		35C		C		35C
74.	Farrington High School, Oahu Planning and engineering of gymnastics facility.	LH1651							
	Design				1				1
	Construction				14				14
	Total Funding		AGS		15C		C		15C
75.	Kalihi Elementary School, Oahu Planning and construction of improvements.	LH1652							
	Design				1				1
	Construction				24				24
	Total Funding		AGS		25C		C		25C

76.	Kalihi-Waena Elementary School, Oahu Planning and construction of improvements.	LH1653					1 9 10C		1 9 10C
	Design								
	Construction								
	Total Funding		AGS		C				
77.	Aliamanu Elementary School, Oahu Design and construction for the renovation of the existing kitchen to classroom.	LH1701					1 IC		1 IC
	Design								
	Total Funding		AGS		C				
78.	Hickam Elementary School, Oahu Design and construction for the expansion and ren- ovation of the library and renovation of cafeteria dining room.	LH1702					1 IC		1 IC
	Design								
	Total Funding		AGS		C				
79.	Kauihani Elementary School, Oahu Plans and construction for reroofing of building C and covered lanai.	LH1703					1 19 20C		1 19 20C
	Design								
	Construction								
	Total Funding		AGS		C				
80.	Makalapa Elementary School, Oahu Design and construction for administration build- ing.	LH1704					1 IC		1 IC
	Design								
	Total Funding		AGS		C				



APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	FY 1979-80		FY 1980-81		Total Biennium 1979-81
					FY M	FY O	FY M	FY O	
81.	Mokulele Elementary School, Oahu Design and construction for ground improvement for new play area. Unencumbered balances from item III-E-152, Section 2, Act 9, SPSLH 1977 may be used to supplement this appropriation.	LH1705							
	Construction				I				I
	Total Funding			AGS	IC		C		IC
82.	Pearl Harbor Elementary School, Oahu Design and construction for the expansion and renovation of the library including air conditioning and carpeting.	LH1706							
	Design				I				I
	Total Funding			AGS	IC		C		IC
83.	Moanalua High School, Oahu Plans, design, and construction of auditorium and swimming pool.	LH1707							
	Design				I				I
	Total Funding			AGS	IC		C		IC
84.	Kauluwela Elementary School, Oahu Plans and construction for installation of security screens for cafeteria and construction of fence separating school from apartments.	LH1708							
	Construction				50				50
	Total Funding			AGS	50C		C		50C
85.	Kalihi-Kai Elementary School, Oahu Plans and construction for renovations and soundproofing of library and soundproofing of buildings B, C, F, G, H, I and J.	LH1709							
	Construction				20				20
	Total Funding			AGS	20C		C		20C
	Construction				I				I
	Total Funding			AGS	IC		C		IC

86. Puuhale Elementary School, Oahu  
 LH1710  
 Plans and construction of overhangs for walkways from administration building and cafeteria and extension of chain link fence.

Design	1		
Construction	19		
Total Funding	20C	C	20C
	AGS		

87. Farrington High School, Oahu  
 LH1711  
 Plans and construction for improvements to include a retaining wall facing freeway, security screens for buildings E, R, G, F, Q, and T, additional student visitor parking stalls in Gordan Field, a greenhouse and gymnastic facility.

Design	1		
Construction	4		
Total Funding	5C	C	5C
	AGS		

88. Farrington High School, Oahu  
 LH1712  
 Plans and construction for improvements to include library, student council room, Social Studies, English, Business Education, administration building, photography room, registrar's and business office.

Design	1		
Construction	4		
Total Funding	5C	C	5C
	AGS		

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Program ID	APPROPRIATIONS (\$1,000's)				Total Biennium 1979-81 F
				FY 1979-80 F	FY 1980-81 F	M O	M O	
89.	Kalakaua Intermediate School, Oahu Plans and construction of improvements to include installation of removable pipe barriers between front campus and side of administration building; security screens on second floors of buildings E, L, O, and Q; security screen over glass for administration building; chain link fence between school and gym; asphalt pavement for building K; and fence on school campus.	LH1713						
	Design			1				1
	Construction			9				9
	Total Funding		AGS	10C	C			10C
90.	Kalakaua Intermediate School, Oahu Plans and construction for improvements to include creation of supports for building G and J; resurfacing of basketball courts and cracked walkways, improvement to grounds, sprinkler system, landscaping, walkways, demolition of building D, replacement of door locks to dead bolt locks; and replacement of wooden louvers with glass louvers for building L.	LH1714						
	Construction			10				10
	Total Funding		AGS	10C	C			10C
91.	Radford High School, Oahu Plans, design and construction for auditorium and swimming pool; replacement of obsolete temporary buildings; and landscaping/paving.	LH1715						
	Construction			1				1
	Total Funding		AGS	1C	C			1C

92.	Pearl City High, Oahu Plans and construction of a new horticulture room including ground and site improvements.	LH1901				
	Design			50		50
	Total Funding		AGS	50C	C	50C
93.	Waimalu Elementary School, Oahu Plans and construction of a new administration building, including ground and site improvements.	LH1902				
	Design			75		75
	Total Funding		AGS	75C	C	75C
94.	Waimalu Elementary School, Oahu Plans and construction for renovation and expansion of the library.	LH1903				
	Design			20		20
	Total Funding		AGS	20C	C	20C
95.	Waiau II Elementary School, Oahu Plans and construction of a new serving kitchen and dining room, including ground and site improvements.	LH1904				
	Design			50		50
	Total Funding		AGS	50C	C	50C
96.	Momilani Elementary School, Oahu Plans and construction of covered walkway from classrooms to the dining room, including new concrete steps.	LH1905				
	Design			50		50
	Total Funding		AGS	50C	C	50C
97.	Highlands Intermediate School, Oahu Plans and construction for renovation of classrooms for the science program.	LH1906				
	Design			50		50
	Total Funding		AGS	50C	C	50C
	Design			55		55
	Total Funding		AGS	55C	C	55C

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agy.	FY 1979-80		FY 1980-81		Total Biennium 1979-81
				M	F	M	F	
98.	Pearl City High School, Oahu Plans and construction of bleachers with a 5,000 seating capacity, including ground and site improvements.	LH1907		100				100
	Design			100C				100C
	Total Funding		AGS					
99.	Pearl City High School, Oahu Plans and construction of varsity locker room, including ground and site improvements.	LH1908		100				100
	Design			100C				100C
	Total Funding		AGS					
100.	Pearl City Highlands Elementary School, Oahu Plans and construction for renovation of the administration facility and library.	LH1909		55				55
	Design			55C				55C
	Total Funding		AGS					
101.	Palisades Elementary School, Oahu Plans and construction of a parking lot, including ground and site improvements.	LH1910		30				30
	Design			30C				30C
	Total Funding		AGS					
102.	Waipahu High and Waipahu Community School, Oahu Plans and construction of security screens and parking lot lighting. Unexpended balances from Item IV G-1, Act 226, SLH 1976, shall be used to supplement this appropriation.	LH2001		1				1
	Construction			1C				1C
	Total Funding		AGS					

103.	Hale Kula Elementary School, Oahu Design and construction for the expansion and im- provement of library.	LH2002							
	Design		29						29
	Total Funding		29C						29C
			AGS						C
104.	Mililani High School, Oahu Plans, design and construction of athletic field rest- rooms.	LH2003							
	Design		4						4
	Construction		25						25
	Total Funding		29C						29C
			AGS						C
105.	Waipahu High School, Oahu Plans, design and engineering of auditorium.	LH2004							
	Design		50						50
	Total Funding		50C						50C
			AGS						C
106.	Nanaikapono Elementary School, Oahu Plans and construction of covered bus shelter and bus boarding area.	LH2101							
	Plans		2						2
	Design		2						2
	Construction		11						11
	Total Funding		15C						15C
			AGS						C
107.	Mauka Lani Elementary School, Oahu Plans, construction and installation of security win- dow screens for library and administration build- ings.	LH2102							
	Plans		1						1
	Construction		4						4
	Total Funding		5C						5C
			AGS						C

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agy.	Program ID	FY 1979-80		FY 1980-81		Total Biennium 1979-81
					FY M	FY O	FY M	FY O	
108.	Makakilo Intermediate School, Oahu Plans, design and construction of intermediate school complex including administration, library, multi-purpose dining room, classrooms, grounds and site improvements.	LH2103			Plans	5			5
					Design	5			5
					Construction	69			69
					Total Funding	79C		C	79C
109.	Ilima Intermediate School, Oahu Plans and construction for security lights, screens and fencing.	LH2104			Plans	5			5
					Construction	15			15
					Total Funding	20C		C	20C
						AGS			
110.	Nanakuli High School, Oahu Plans and construction of facilities and improvements to include chain link fencing, landscaping, and grounds. Unexpended balances in Items G-29, G-30, 91E-IV-F-156, 91E-IV-F157, and 91F-III-F-48 of Act 226/76; Item III-E-153 of Act 9/77; and Item III-E-103 of Act 244/78 may be used to supplement this appropriation.	LH2150			Plans	5			5
					Construction	15			15
					Total Funding	20C		C	20C
						AGS			
111.	Nanaikapono Elementary School, Oahu Plans and construction of facilities and improvements to include security screening and lighting.	LH2151			Design	5			5
					Construction	45			45
					Total Funding	50C		C	50C
						AGS			
					1			1	
					9			9	
					10C		C	10C	

112. Kaimiloa Elementary School, Oahu  
 LH2152  
 Plans and construction of facilities and improvements to implement master plan, including administration, library, new classrooms, renovations, ground and site improvements. Unexpended balances in Item III-E-51 of Act 226/76 and Item IV-E-86 of Act 244/78 may be used to supplement this appropriation.

Design 3  
 Construction 22  
 Total Funding 25C  
 AGS C

113. Makakilo Elementary School, Oahu  
 LH2153  
 Plans and construction of facilities and improvements to include security screening and lighting. Unexpended balances in Item 91E-IV-F-135 of Act 226/76 and Item IV-E-86 of Act 244/78 may be used to supplement this appropriation.

Design 1  
 Construction 9  
 Total Funding 10C  
 AGS C

114. Waianae High School, Oahu  
 LH2154  
 Plans and construction of facilities and improvements to include chain link fencing for football field. Unexpended balances in Items G-40, G-41, 91E-IV-F-194 & 91E-IV-F-195 of Act 226/76; Items III-E-184 and III-E-185 of Act 9/77; and Items G-56, and G-19 of Act 243/78 may be used to supplement this appropriation.

Design 3  
 Construction 22  
 Total Funding 25C  
 AGS C

115. Nanakuli High School Swimming Pool, Oahu  
 LH2155  
 Plans and construction of a swimming pool.

Design 24  
 Construction 1  
 Total Funding 25C  
 AGS C



APPROPRIATIONS (\$1,000's)

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					M O	F	M O	F	M O	F
116.	Waianae Elementary School, Oahu Plans and construction of facilities to implement master plan, including administration building, special education classrooms, including parking lot, bus loading zone, ground and site improvements.	LH2156		AGS	2				2	
					18				18	
					20C		C		20C	
117.	Haleiwa Elementary School, Oahu Design and construction of a chain link fence.	LH2201		AGS	2				2	
					5				5	
					7C		C		7C	
118.	Waialua High and Intermediate School, Oahu Plans and construction for renovations to science classrooms including renovations to four science class room laboratories.	LH2203		AGS	27				27	
					140				140	
					167C		C		167C	
119.	Waialua High and Intermediate School, Oahu Plans and construction for paving of 20 feet by 185 feet area adjacent to Kahuku-end of wood shop by custodians cottage for security of school vehicles.	LH2204		AGS	3				3	
					17				17	
					20C		C		20C	

120.	Waialua High and Intermediate School, Oahu Plans and construction for improvements to auto shop including construction of a hollow tile enclosure for existing compressor located at auto shop as required by OSHA.	LH2205	3 7 10C	C	3 7 10C
121.	Leilehua High School, Oahu Plans and installation of a public address system for the athletic field	LH2250	4 24 28C	C	4 24 28C
122.	Leilehua High School, Oahu Plans for a multi-purpose theater auditorium	LH2251	50 50C	C	50 50C
123.	Wahiawa Elementary School, Oahu Plans and construction of a chain link fence	LH2252	4 22 26C	C	4 22 26C
124.	Castle High School, Oahu Plans and reconstruction of the fire damaged agricultural shop.	LH2301	100 100C	C	100 100C
125.	Castle High School Redevelopment Study, Oahu Plans for a campus redevelopment study for Castle High School	LH2302	40 40C	C	40 40C

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Ag.	FY 1979-80		FY 1980-81		Total Biennium 1979-81	
				M O	F	M O	F	M O	F
126.	Castle High School, Oahu Plans, design, and construction of lights for foot- ball field	LH2401	AGS	150 150C			C	150 150C	
127.	Castle High School, Oahu Plans and construction of security fence and gates.	LH2402	AGS	35 35C			C	35 35C	
128.	Kapunahala Elementary School Library, Oahu Plans and construction for installation of air condi- tioner at the library.	LH2403	AGS	10 10C			C	10 10C	
129.	King Intermediate School, Oahu Plans and construction to install security screens at auto mechanics shop.	LH2404	AGS	10 10C			C	10 10C	
130.	King Intermediate School, Oahu Plans and construction for restoration of agricul- tural department	LH2405	AGS	10 10C			C	10 10C	
131.	Castle High School, Oahu Plans for a campus redevelopment study.	LH2450	AGS	5 5C			C	5 5C	
	Plans Total Funding		AGS	40 40C			C	40 40C	

132.	Castle High School, Oahu Design and construction of security gates and fence around school campus.	LH2451					
	Construction		70			70	
	Total Funding		70C			70C	
133.	Kailua High School, Oahu Plans and construction for fire damaged lecture hall.	LH2452					
	Construction		50			50	
	Total Funding		50C			50C	
134.	Kailua High School, Oahu Design and construction of security flood light sys- tem.	LH2453					
	Construction		20			20	
	Total Funding		20C			20C	
135.	Kailua High School, Oahu Plans and construction for repaving of courtyard area.	LH2454					
	Construction		<del>5</del> †			<del>5</del> †	
	Total Funding		<del>5</del> †			<del>5</del> †	
136.	Kailua High School, Oahu Plans and construction of covered shelter in front of band room.	LH2455					
	Plans		1			1	
	Construction		4			4	
	Total Funding		5C			5C	

† Vetoed as indicated and initialed "GRA".



141.	Kailua High School, Oahu Plans and reconstruction of the multi-purpose building damaged by fire to include its use as a lecture hall	LH2502						
	Design					26		26
	Construction					74		74
	Total Funding		AGS			100C		100C
142.	Mokapu Elementary School, Oahu Plans and construction of a paved playground	LH2503						
	Design					4		4
	Construction					36		36
	Total Funding		AGS			40C		40C
143.	Mokapu Elementary School, Oahu Design and construct renovations to library	LH2504						
	Design					25		25
	Construction					125		125
	Total Funding		AGS			150C		150C
144.	Aikahi Elementary School, Oahu Plans and construction of improvements including but not limited to security gates, security screen, barrier walls and fencing	LH2505						
	Design					8		8
	Construction					42		42
	Total Funding		AGS			50C		50C
145.	Lamikai Elementary School, Oahu Design and construction of a dining room facility	LH2506						
	Design					10		10
	Total Funding		AGS			10C		10C
146.	Kalaheo High School, Oahu Plans and construction of security screens	LH2507						
	Design					3		3
	Construction					17		17
	Total Funding		AGS			20C		20C

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agy.	APPROPRIATIONS (\$1,000's)				Total Biennium 1979-81 F
				FY 1979-80 F	M O	FY 1980-81 F	M O	
147.	Kailua High School, Kailua, Oahu Plans and construction for improvements to the athletic field, including public restroom facilities, electric scoreboard, improved floodlighting, locker and shower facilities, press box, grading of football field and improvement of drainage on track field; and reconstruction of fire damaged lecture hall.	LH2601		5				5
	Design			45				45
	Construction		AGS	50C			C	50C
	Total Funding							
148.	Kaelepu Elementary School, Kailua, Oahu Plans and construction of traffic pedestrian safety, and parking improvements, including a second driveway for the purpose of dropping off and picking up of children, and enlarging the existing parking lot.	LH2602						
	Design			2				2
	Construction			8				8
	Total Funding		AGS	10C			C	10C
149.	Pope Elementary School, Waimanalo, Oahu Plans and construction for improvements to Pope Elementary School.	LH2603						
	Design			1				1
	Construction			9				9
	Total Funding		AGS	10C			C	10C
150.	Waimanalo Elementary School, Waimanalo, Oahu Plans and construction for improvements to Waimanalo Elementary School.	LH2604						
	Design			10				10
	Total Funding		AGS	10C			C	10C

151.	Enchanted Lakes Elementary School, Kailua, Oahu Plans and construction for improvements to Enchanted Lakes Elementary School.	LH2605			
	Design		2		2
	Construction		8		8
	Total Funding		10C	C	10C
			AGS		
152.	Keolu Elementary School, Kailua, Oahu Plans and construction for improvements to Keolu Elementary School.	LH2606			
	Design		10		10
	Construction		60		60
	Total Funding		70C	C	70C
			AGS		
153.	Kahului Elementary School, Maui Design and construct security fencing.	LS0202			
	Construction		15		15
	Total Funding		15C	C	15C
			AGS		
154.	Kiuhana Elementary School, Molokai Design and construct cafeteria, including kitchen and multi-purpose dining room.	LS0203			
	Construction		50		50
	Total Funding		50C	C	50C
			AGS		
155.	Kula Elementary School, Maui Design and construct extension to paved driveway and sidewalk.	LS0204			
	Design		21		21
	Construction		77		77
	Total Funding		98C	C	98C
			AGS		
156.	Lanai High and Elementary School, Lanai Design and install dust collection system in woodshop.	LS0205			
	Design		6		6
	Construction		29		29
	Total Funding		35C	C	35C
			AGS		



APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agy.	Program ID	FY 1979-80		FY 1980-81		Total Biennium 1979-81
					M	O	M	O	
157.	Waihee School, Maui Design and construct three classroom building and playcourt.	LS0206							
	Construction		AGS		50				50
	Total Funding				50C				50C
158.	Aikahi Elementary School, Oahu Design and construction for security gates, fencing and screens. Unexpended balances from Act 9, Special Session 1977, Section 2, Items III-E-5,6,7 and 8 may be used to supplement this appropria- tion.	LS0301							
	Construction		AGS		20				20
	Total Funding				20C				20C
159.	Castle High School, Kaneohe, Oahu Campus redevelopment study.	LS0302							
	Plans		AGS		40				40
	Total Funding				40C				40C
160.	Castle High School, Kaneohe, Oahu Design and construction for general improvements including but not limited to security gates, fences, and screens around and within school campus. Un- expended balances from Act 244, Session Laws of Hawaii 1978, Section 2, Items III-E-13, 14, 15, 16, 17, and Act 9, Special Session 1977, Section 2, Item III-D-2, may be used to supplement this ap- propriation.	LS0303							
	Construction		AGS		80				80
	Total Funding				80C				80C

161.	Castle High School, Oahu Design and construction for reconstruction of fire damaged agriculture shop. Construction Total Funding	LS0304	AGS	5 5C	C	5 5C
162.	Kailua High School, Kailua, Oahu Design and construction for access road from Kala- niaoale Highway on state lands bordering the Ha- waii Correctional Facility. Construction Total Funding	LS0305	AGS	50 50C	C	50 50C
163.	Kailua High School, Oahu Design and construction for campus security light system. Construction Total Funding	LS0306	AGS	20 20C	C	20 20C
164.	Keolu Elementary School, Kailua, Oahu Design and construction for improvements to fire alarm and electrical system. Construction Total Funding	LS0307	AGS	20 20C	C	20 20C
165.	Mokapu Elementary School, Oahu Design and construction for paved playground. Un- expended balances from Act 9, Special Session 1977, Section 2, Items III-E-149, 150, and 151 may be used to supplement this appropriation. Construction Total Funding	LS0308	AGS	20 20C	C	20 20C
166.	Blanche Pope Elementary, Waimanalo, Oahu Design and construction for walkway and improve- ments. Construction Total Funding	LS0309	AGS	40 40C	C	40 40C
			AGS	15 15C	C	15 15C

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. AGY.	FY 1979-80		FY 1980-81		Total Biennium 1979-81	
					FY O	FY M	FY O	FY M	O	F
167.	Sunset Beach Elementary School, Oahu Design and construction for installation of campus security lights.	LS0310			10				10	
	Construction			AGS	10C					10C
	Total Funding									
168.	Mali Elementary School, Oahu Design and construction for security screens, security lights and grounds and site improvements.	LS0401			30				30	
	Construction			AGS	30C					30C
	Total Funding									
169.	Mililani High School, Oahu Design and construction for restrooms for the athletic field including grounds and site improvements.	LS0402			35				35	
	Construction			AGS	35C					35C
	Total Funding									
170.	Pearl City High School, Oahu Design and construction for facilities in accordance with the master plan, including varsity locker room and restrooms, classrooms, athletic field bleachers, lighting and parking facilities and grounds and site improvements. Supplements prior appropriations.	LS0403			135				135	
	Construction			AGS	135C					135C
	Total Funding									

171.	<p>Waipahu High School, Oahu                      LS0404                      Planning, design and construction for permanent athletic spectator bleachers to replace the present temporary wooden facilities which may be a hazard to public safety.</p>	<p>Plans 100                      Design 300                      Construction 300                      Total Funding 700C</p> <p>AGS</p>	<p>100                      300                      300                      700C</p> <p>C</p>
172.	<p>Farrington High School, Oahu                      LS0502                      Design and construct retaining wall facing freeway, prevention of hazardous conditions. And noise pollution for students in martial arts, ROTC, and industrial arts classes.</p>	<p>Construction 85                      Total Funding 85C</p> <p>AGS</p>	<p>85                      85C</p> <p>C</p>
173.	<p>Kaewai Elementary School, Oahu                      LS0503                      Design and construction for improving school grounds. Move existing chain link fence parallel to Kalahi Recreation Center playground; building retaining wall; filling in needed soil; and relocating fence on wall for safety.</p>	<p>Construction 30                      Total Funding 30C</p> <p>AGS</p>	<p>30                      30C</p> <p>C</p>
174.	<p>Kalihi Elementary School, Oahu                      LS0504                      Design and construction to improve existing facilities — install security screens in library, cafeteria, administration building and building B ground floor and second floor. Burglarized often. Proper security measures must be provided.</p>	<p>Construction 50                      Total Funding 50C</p> <p>AGS</p>	<p>50                      50C</p> <p>C</p>

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agy.	FY 1979-80		FY 1980-81		Total Biennium	
				M	O	M	O	O	F
175.	Kalihi-Kai Elementary School, Oahu Design and construction to improve, renovate, and repair library. Present library is sub-standard in size. Improvement is needed to meet program needs of media center and to accommodate the large enrollment of students. The existing facility lacks adequate space for reading and browsing, individual study and learning, instruction, and storage and work area. Sound proof to eliminate noise pollution.	LS0505							
	Construction			150				150	
	Total Funding		AGS	150C			C	150C	
176.	Kalihi-Uka Elementary School, Oahu Design and construction to expand library from substandard size to standard 6,000 square feet, to provide program needs of students' media center and adequate space for storage, reference and instructional areas. Renovate library including carpeting and expand into adjacent classroom and an enclosed kiln area. Fire marshal declared present location of kiln in library storage room hazardous.	LS0506							
	Construction			50				50	
	Total Funding		AGS	50C			C	50C	
177.	Kalihi-Waena Elementary School, Oahu Design and construction for campus improvement, including playground and parking facilities.	LS0507							
	Construction			15				15	
	Total Funding		AGS	15C			C	15C	

178.	Linapuni Elementary School, Oahu Design and construction to improve existing facilities. Install security screens for windows and doors to curb break-ins.	LS0508							
	Construction		AGS	10				10	
	Total Funding			10C				10C	
179.	Maemae Elementary School, Oahu Plans, design and construction for an olympic-size swimming pool. Unexpended balance in Item IV-N-47 of Act 226 SLH 1976 shall be used to supplement this appropriation.	LS0509							
	Construction		AGS	75				75	
	Total Funding			75C				75C	
180.	Mokulele Elementary School, Oahu Plans, design and construction for the installment of air conditioning systems in ten classrooms in conformance to state noise pollution standards.	LS0510							
	Construction		AGS	45				45	
	Total Funding			45C				45C	
181.	Campus Lighting, Roosevelt High School, Oahu Design and construct improved lighting throughout entire campus.	LS0601							
	Construction		AGS	39				39	
	Total Funding			39C				39C	
182.	Field Lighting, Washington Inter School Oahu Correct and coordinate two existing athletic field lighting systems.	LS0602							
	Construction		AGS	4				4	
	Total Funding			4C				4C	

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agv.	FY 1979-80		FY 1980-81		Total Biennium 1979-81	
				M O	F	M O	F	M O	F
183.	Smoke Detectors, Roosevelt High School, Oahu Design and construct smoke detector system for hallways in administrative building.	LS0603							
	Construction		AGS	7				7	
	Total Funding			7C			C	7C	
184.	Stevenson Intermediate School, Oahu Design, construction, purchase and placement of a windbreaker surrounding the tennis courts at Stevenson Intermediate School.	LS0604							
	Equipment		AGS	2				2	
	Total Funding			2C			C	2C	
185.	Washington Intermediate School, Oahu Design and construction for general improvements to include replacement of glass jalousies with wooden louvers.	LS0605							
	Construction		AGS	30				30	
	Total Funding			30C			C	30C	
186.	Aina Haina Elementary School, Oahu Design and construction for library renovation. To supplement prior appropriations.	LS0702							
	Design		AGS	10				10	
	Construction		AGS	247				247	
	Total Funding			257C			C	257C	
187.	Aina Haina Elementary, Oahu Design and construction for paving of the back parking lot.	LS0703							
	Construction		AGS	11				11	
	Total Funding			11C			C	11C	

188.	Aina Haina Elementary School, Oahu Design and construction for site improvement and repainting of entire school. To supplement prior appropriations.	LS0704							
	Construction		33						33
	Total Funding		33C					C	33C
			AGS						
189.	Aliiolani Elementary School, Oahu Design and construction for new playground including demolition of existing auditorium. To supplement prior appropriations.	LS0705							
	Design		5						5
	Construction		58						58
	Total Funding		63C					C	63C
			AGS						
190.	Aliiolani School, Oahu Design and construction to demolish auditorium.	LS0706							
	Construction		18						18
	Total Funding		18C					C	18C
			AGS						
191.	Anuenue Elementary School, Oahu Design and construction for carpentry repairs and replacement of the previously painted louvers with new opaque glass louvers.	LS0707							
	Construction		1						1
	Total Funding		1C					C	1C
			AGS						
192.	Anuenue Elementary School, Oahu Design and construction for painting of the entire school.	LS0708							
	Construction		46†						46†
	Total Funding		46C†					C	46C†
			AGS						

†Vetoed as indicated and initialed "GRA".



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				FY 1979-80	FY 1980-81	Total Biennium 1979-81	
				F	M	F	M
				O	O	O	O
193.	Hokulani Elementary School, Oahu Design and construction for art and science building and teacher work centers. To supplement prior appropriations.	LS0709					
	Construction						
	Total Funding		AGS	60		60	
				60C		60C	
194.	Hokulani Elementary School, Oahu Design and construction for improvement to and extension of library facilities.	LS0710					
	Construction						
	Total Funding		AGS	170		170	
				170C		170C	
195.	Kaimuki Intermediate School, Oahu Design and construction for renovation of the public address system.	LS0711					
	Construction						
	Total Funding		AGS	1		1	
				IC		IC	
196.	Kaimuki Intermediate School, Oahu Design and construction for removal of the wooden structures of four classrooms in "S" building and rooms M-101 and M-102.	LS0712					
	Construction						
	Total Funding		AGS	2		2	
				2C		2C	
197.	Kaimuki Intermediate School, Oahu Design and construction for the renovation of four classrooms in "R" building to eliminate acoustical and ventilation problems.	LS0713					
	Construction						
	Total Funding		AGS	3		3	
				3C		3C	

198.	LS0714	Kaimuki High School, Oahu Design and construction for redoing circulation system in the swimming pool.	38 38C	C	38 38C
		Construction	AGS		
		Total Funding			
199.	LS0715	Kaiser High School, Oahu Design and construction for renovation of A-203 into a biology laboratory.	5 111 116C	C	5 111 116C
		Design	AGS		
		Construction			
		Total Funding			
200.	LS0716	Kaiser High School, Oahu Design and construction for activity lights for secu- rity.	2 2C	C	2 2C
		Construction	AGS		
		Total Funding			
201.	LS0717	Kaiser High School, Oahu Design and construction for extension of adminis- tration building.	14 14C	C	14 14C
		Construction	AGS		
		Total Funding			
202.	LS0718	Kaiser High School, Oahu Design and construction for improvements to band and choir buildings.	1 12 13C	C	1 12 13C
		Design	AGS		
		Construction			
		Total Funding			
203.	LS0719	Kaiser High School, Oahu Design and construction for a language arts/social studies classroom building.	10 152 162C	C	10 152 162C
		Design	AGS		
		Construction			
		Total Funding			

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					FY 1979-80 F	FY 1980-81 F	
204.	Kaiser High School, Oahu Design and construction for repair of M building.	LS0720			8		8
					76		76
					84C	C	84C
205.	Kaiser High School, Oahu Design and construction for a sidewalk between building A and cafeteria.	LS0721		AGS	4		4
					4C	C	4C
206.	Kaiser High School, Oahu Design and construction for a sidewalk from Pakala St. to the tennis courts.	LS0722		AGS	22		22
					22C	C	22C
207.	Kalani High School, Oahu Design and construction for the renovation of the cafeteria to accommodate school-wide performances.	LS0723		AGS	88		88
					88C	C	88C
208.	Kalani High School, Oahu Design and construction for general improvements to water lines, and lighting.	LS0724		AGS	40		40
					40C	C	40C

209.	Kalani High School, Oahu Design and construction for the renovation of the gymnasium for additional locker room facilities, including showers, to meet Title IX requirements.	LS0725					
	Construction					113	113
	Total Funding					113C	113C
210.	Kalani High School, Oahu Design and construction for painting entire school.	LS0726					
	Construction					‡35†	‡35†
	Total Funding					‡35C†	‡35C†
211.	Koko Head Elementary School, Oahu Design and construction for painting interior and exterior of entire school except library.	LS0727					
	Construction					60†	60†
	Total Funding					60C†	60C†
212.	Liliuokalani Elementary School, Oahu Design and construction for improvement to existing facilities, including painting of school buildings. To supplement prior appropriations.	LS0728					
	Construction					2	2
	Total Funding					2C	2C
213.	Liliuokalani Elementary School, Oahu Design and construction for improvements, including soundproofing and airconditioning of classrooms, reducing wind under breezeways, raising the fence, covering walkway to the admin. bldg. and to cafeteria, and closing Mahina Street for parking. Unencumbered balances from item 3E078 of 244/78 may be used to supplement this appropriation.	LS0729					
	Construction					50	50
	Total Funding					50C	50C

†Vetoed as indicated and initialed "GRA".

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)			Total Biennium O 1979-81 F
					FY 1979-80 F	FY 1980-81 F	M O	
214.	Niu Valley Intermediate School, Oahu Design and construction for replacement of cafe- ria louvres from glass to wood.	LS0730			15 15C	C	15 15C	
	Construction			AGS				
	Total Funding							
215.	Palolo Elementary School, Oahu Design and construction for repairs and renovation of building B.	LS0731			11 11C	C	11 11C	
	Construction			AGS				
	Total Funding							
216.	Waialae Elementary School, Oahu Design and construction for a chain-link fence along the 20th Avenue boundary.	LS0732			10 10C	C	10 10C	
	Construction			AGS				
	Total Funding							
217.	Mililani High, Oahu Design & construct gymnasium.	215001			1,581 7	C	1,581 7	
	Construction			AGS				
	Equipment							
	Total Funding							
218.	Mililani High, Oahu Design & construct classroom building.	215004			210 5	C	210 5	
	Construction			AGS				
	Equipment							
	Total Funding							

219.	Mililani High School Design and construct eight classrooms, drama, newsprinting, languages lab, and teachers work- room.	215007					
	Design		53			53	
	Total Funding		53C	C		53C	
220.	Moanalua Elementary School Design and construct paved play court.	218004					
	Design		5			5	
	Construction		33			33	
	Total Funding		38C	C		38C	
221.	Mokulele Elem Design and construct paved play court.	221002					
	Design		5			5	
	Construction		33			33	
	Total Funding		38C	C		38C	
222.	Wheeler Elementary School Design and construct paved play court.	237004					
	Design		5			5	
	Construction		33			33	
	Total Funding		38C	C		38C	
223.	Kaimiloa E.S. Plan and construct classroom bldg, ground and site improvements.	309003					
	Design		5			5	
	Construction		33			33	
	Total Funding		38C	C		38C	
224.	Pearl City H.S. Design and construct sewer system, ground and site improvements.	321007					
	Design		54			54	
	Total Funding		54C	C		54C	
	Design		55			55	
	Total Funding		55C	C		55C	

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agv.	Program ID	APPROPRIATIONS (\$1,000's)			Total Biennium 1979-81 F
					FY 1979-80 F	FY 1980-81 F	M O F	
225.	Waianae Elem. Design and construct classroom building, fire hydrants, ground and site improvements.	324002			337		337	
	Construction Equipment				11		11	
	Total Funding		AGS		348C		348C	C
226.	Waianae High Design and construct industrial education and arts and crafts classrooms, ground and site improvements.	325007			840		840	
	Construction Equipment				6		6	
	Total Funding		AGS		846C		846C	C
227.	Waipahu Intermediate Design and construct classroom building, ground and site improvements.	331001			538		538	
	Construction Equipment				20		20	
	Total Funding		AGS		558C		558C	C
228.	Crestview Elem. Site selection study, land acquisition, master planning.	340001						
	Plans				30		30	
	Land Acquisition				480		480	
	Total Funding		AGS		510C		510C	C

229.	Crestview Elem. D and C classroom building, temporary administration, library, serv. kitchen, health rm. parking, playfield, ground and site improvements — 1st increment.	340002						
	Design		92	92				92
	Total Funding		92C	92C				92C
			AGS		C			
230.	Kahuku High School D and C for three shops and renovations to auto metal shop.	410005						
	Design		42	42				42
	Total Funding		42C	42C				42C
			AGS		C			
231.	Laie Elementary Design and construct regular classrooms.	420004						
	Design		30	30				30
	Total Funding		30C	30C				30C
			AGS		C			
232.	Hilo High School, Hilo, Hawaii Design and construction — physical education locker shower building and covered walkway, equipment and appurtenances. Demolish old building.	502003						
	Design		102	102				102
	Total Funding		102C	102C				102C
			AGS		C			
233.	Hilo High School, Hilo, Hawaii Design and construction — renovate track and infield. Design and construction, outdoor paved courts.	502004						
	Design		36	36				36
	Total Funding		36C	36C				36C
			AGS		C			



APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	FY 1979-80		FY 1980-81		Total Biennium 1979-81
					FY	M	FY	M	
					O	F	O	F	
234.	Hilo Union Elementary School, Hilo, Hawaii Design and construction renovation of main building, old office space to lavatory facilities and workroom; demolish old toilets. Design	504001			21		21		21
	Total Funding			AGS	21C		C		21C
235.	Kau High and Pahala Elem School, Kau, Hawaii Design and construction of Vo-Tech shop, equipment and appurtenances, demolish old structure. Construction	511002			382		382		382
	Equipment				13		13		13
	Total Funding			AGS	395C		C		395C
236.	Kealakehe Elem & Inter School, N. Kona Design and construction of PE locker shower facility, paved playcourts, equipment and appurtenances. Design	514001			12		12		12
	Total Funding			AGS	12C		C		12C
237.	Kealakehe Elem School Design and construct intermediate classroom building, equipment and appurtenances, workroom, toilets. Design	514002			48		48		48
	Total Funding			AGS	48C		C		48C
238.	Keaukaha Elem School Hilo, Hawaii Design and construction — Elementary classroom building, covered walkway, toilets, equipment and appurtenances. Design	515001			29		29		29
	Total Funding			AGS	29C		C		29C

239.	Konawaena High and Inter Kona, Hawaii Design and construction — Music building equip- ment and appurtenances.	518002							
	Design					46			46
	Total Funding					46C			46C
							AGS		C
240.	Pahoa High and Elemen. Puna, Hawaii Design and construction classroom bldg: work- room; toilets; covered walkway, equipment and appurtenances. Demolish old structure.	523005							
	Design					57			57
	Total Funding					57C			57C
							AGS		C
241.	Pahoa High and Elementary School Design and construction physical education locker- shower facility; equipment and appurtenances; covered walkway.	523006							
	Design					54			54
	Total Funding					54C			54C
							AGS		C
242.	Waiakea High Hilo, Hawaii Design and construction of gymnasium, and park- ing; covered walkway; equipment and appur- tenances.	525003							
	Design					107			107
	Total Funding					107C			107C
							AGS		C
243.	Waimea Elementary and Intermediate School Waimea, S. Kohala, Hawaii Design and construction — Classroom building, covered walkway, equipment and appurtenances	528001							
	Design					40			40
	Total Funding					40C			40C
							AGS		C

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agcy.	Program ID	FY 1979-80		FY 1980-81		Total Biennium 1979-81
					FY O	FY M	FY O	FY M	
244.	Keahou-Kailua Elementary School Kona Hawaii Design and construction --- Land clearing, increment I; classroom building; playground; equipment and appurtenances; parking.	532002			129				129
	Design				129C				129C
245.	Haiku School, Maui Design and construct four regular classrooms.	601003							
	Design				45				45
	Total Funding				45C				45C
246.	Iao School, Maui Design and construct P.E. locker/shower rooms.	603003			48				48
	Design				48C				48C
247.	Iao School, Maui Design and construct bandroom and paved play-courts.	603004							
	Design				40				40
	Total Funding				40C				40C
248.	Maui High School, Maui Plan and construct athletic field with storage & toilet facilities.	616002							
	Design				54				54
	Total Funding				54C				54C
249.	New Pukalani Elem School, Maui Design and construct classroom building and parking.	620001							
	Construction				634				634
	Equipment				12				12
	Total Funding				646C				646C

250.	Pukalani Elementary School, Maui Design and construct paved playcourt.	620005							
	Design		6						6
	Construction		43						43
	Total Funding		49C						49C
			AGS						C
251.	Lahaina Intermediate and Elementary School, Maui Design and construct playfield and paved play- courts.	624003							
	Design		45						45
	Total Funding		45C						45C
			AGS						C
252.	Kalaheo School Design and construct classroom building with teacher workroom and toilets.	702003							
	Design		26						26
	Total Funding		26C						26C
			AGS						C
253.	Kauai High and Inter Supplement prior appropriation for construction of 11 classroom building.	705004							
	Construction		673						673
	Total Funding		673C						673C
			AGS						C
254.	Kauai High and Inter Supplement prior appropriation for renovation and improvement of the former KCC facilities for the intermediate level.	705005							
	Construction		651						651
	Total Funding		651C						651C
			AGS						C

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	FY 1979-80		FY 1980-81		Total Biennium 1979-81
					FY M O F	FY O F	M O F		
255.	Exceptional Child Program Campbell Educational Complex, Oahu Design and construction of new facilities and renovation of existing facilities for special education programs and for orthopedically handicapped students; to include paved courts and accesses and grounds and site improvements.	LS0405	EDN 107		60 40 100C				60 40 100C
256.	Hawaii School for the Deaf and Blind, Oahu Design and construction for covered walkways. To supplement prior appropriations.	LS0733		AGS				C	
	Design Construction Total Funding				1 35 36C				1 35 36C
257.	Hawaii School for the Deaf and Blind, Oahu Design and construction for a gymnasium. To supplement previous appropriation in Act 9, Special Session Laws of Hawaii 1977.	LS0734		AGS				C	
	Design Construction Total Funding				4 4C				4 4C
258.	Hawaii School for the Deaf and Blind, Oahu Design and construction for a covered lanai.	LS0735		AGS				C	
	Design Construction Total Funding				14 14C				14 14C

259.	Central Oahu District Design and construct and or renovate district SMH center.	299001					
	Design		25			25	
	Total Funding		25C	C		25C	
260.	Leeward Oahu District Schools Design and construct special education classrooms (SMH & MRT), ground and site improvements.	397001					
	Design		29			29	
	Total Funding		29C	C		29C	
261.	Windward District Design and construct renovations of classrooms for SMH special education program.	499001					
	Design		29			29	
	Total Funding		29C	C		29C	
262.	Hilo Union Elementary School, Hilo, Hawaii Design and construction — Special education classrooms for MRT, LD, and orthopedically handicapped; toilets; covered walkway; equipment and appurtenances; custodial room; demolish old facility.	504002					
	Design		50			50	
	Total Funding		50C	C		50C	
263.	Kona waena Elem School, North Kona, Hawaii Design and construction of 3 special education classrooms, covered walkway, access road, parking, equipment, and appurtenances.	517003					
	Design		48			48	
	Total Funding		48C	C		48C	

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)			
					FY 1979-80 F	M O	FY 1980-81 F	M O
264.	Hawaii District Design and construction-reno- vate and convert regular classrooms to special education classrooms for severely mentally handicapped. Design	599001	EDN 107	AGS	25 25C		C	25 25C
265.	Maui School District Design and Construct SMH Center. Design	699002		AGS	29 29C		C	29 29C
266.	Kauai High and Intermediate Design and renovate existing classrooms in Bldg I from Special Classroom to Special Education Cen- ter. Design	705006		AGS	29 29C		C	29 29C
267.	Compensatory Education Storefront School Program, Wahiawa, Oahu Plans, land, design, construction, and equipment for alternative educational facilities, Storefront School Program, Wahiawa, Oahu. Construction	LS0421	EDN 108	AGS	29 29C		C	29 29C
268.	Instructional Administration and Support School Administration Mililani Hi, Oahu Design & construct administration bldg, convert temporary administration building to classrooms. Construction Equipment	215002	EDN 203	AGS	292 292C		C	292 292C
	Total Funding			AGS	173 2		C	173 2
	Total Funding			AGS	175C		C	175C

269.	Moanalua High, Oahu Design & construct administration building.	219001				
	Construction		473		473	
	Equipment		2		2	
	Total Funding		475C	C	475C	
270.	Waiakea High Supplementary funds for administration bldg.	525007				
	Construction		375		375	
	Equipment		25		25	
	Total Funding		400C	C	400C	
271.	Kihei School, Maui Design and construct administration building and library bldg.	608002				
	Construction		732		732	
	Equipment		12		12	
	Total Funding		744C	C	744C	
272.	Instructional Media Heeia Elementary School, Oahu Design and construction of renovations to the li- brary.	EDN 204 LH2301				
	Construction		35		35	
	Total Funding		35C	C	35C	
273.	Highlands Intermediate D and C new library, renovate existing library into classrooms, ground and site improvements.	305004				
	Design		57		57	
	Total Funding		57C	C	57C	
274.	Kaimiloa E.S. Design & construct library ground & site improve- ments	309001				
	Design		48		48	
	Total Funding		48C	C	48C	



APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agv.	FY 1979-80		FY 1980-81		Total Biennium 1979-81
				M O	F	M O	F	
275.	Pohakea E. S. Design & construct library, renovation of temporary library to classrooms, ground and site improvements Design Total Funding	323001	AGS	51 51C		C		51 51C
276.	Student Activities Pearl City High School, Oahu Athletic Complex Design and construction for athletic complex including locker/shower facilities, equipment, and appurtenances for athletic field. Design Construction Total Funding	32L001	EDN 207		100 900 1,000C		C	100 900 1,000C
277.	Pahoa High and Elementary School Pahoa, Puna, Hawaii Design and construction—athletic field, paved playgrounds for secondary, equipment and appurtenances. Design Total Funding	523004	AGS	54 54C		C		54 54C
278.	Baldwin High School, Maui Design and construct physical education multi-purpose room and two (2) paved playgrounds. Construction Equipment Total Funding	600013	AGS	451 7 458C		C		451 7 458C

279.	Hana High and Elementary School, Maui Plan and construct gymnasium—supplements prior appropriations.	602004				
	Construction		615		615	
	Equipment		7		7	
	Total Funding		622C	C	622C	
	Public Service Public Libraries					
			AGS			
				EDN	407	
280.	McCully-Moiliili Library, Oahu Plans and construction for installation of carpeting in meeting room, staircase, and storywell of the library.	LH1201				
	Construction		4		4	
	Total Funding		4C	C	4C	
281.	Manoa Library, Oahu Plans and installation of carpet to control noise factor.	LH1301				
	Construction		5		5	
	Total Funding		5C	C	5C	
282.	Manoa Library, Oahu Plans and construction for expansion of existing facilities.	LH1302				
	Construction		5		5	
	Total Funding		5C	C	5C	
283.	Kaneohe Regional Library, Oahu Plans, design and construction for driveway widening	LH2401				
	Construction		25		25	
	Total Funding		25C	C	25C	

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agy.	FY 1979-80		FY 1980-81		Total Biennium 1979-81
				M	O	M	O	
284.	Kailua Library, Oahu Plans and construction for repaving of the Kailua library parking lot.	LH2450		++				++
	Construction			-9†				-9†
	Total Funding		AGS	†0€†			C	†0€†
285.	Makiki Library, Oahu Design and construction for renovations to the main floor mezzanine, including a second stairway, strengthening of railings and repair of light fixtures.	LS0606						
	Construction			20†				20†
	Total Funding		AGS	20€†			C	20€†
286.	Waikiki—Kapahulu Library, Oahu Design and construction for air conditioning of library building, including carpeting.	LS0607						
	Construction			140				140
	Total Funding		AGS	140€			C	140€

HIGHER EDUCATION  
University of Hawaii, Manoa  
Instruction—UOH, Manoa

UOH 101

† Vetoed as indicated and initialed "GRA".

287.	<p>Medical School Development                  Medical school development, University of Hawaii                  at Manoa development of facilities for a 4-year                  medical school. Facilities to be developed at                  Kuakini Hospital and at other community hospitals                  in accordance with affiliation agreements and fed-                  eral grant requirements.</p>			
	Design			36
	Total Funding			36C
288.	<p>Agricultural Sciences Facilities, Phase 2, Uni-                  versity of Hawaii, Manoa Campus                  Plans for facilities to house the programs of                  agronomy and soil science, food science and tech-                  nology, food and nutritional sciences and agricul-                  tural biochemistry. Unexpended balances from                  Item G-III, Section 72 of Act 218, Session Laws of                  Hawaii 1974 shall be used for this purpose.</p>	AGS	C	36 36C
	Construction			4,955
	Total Funding			4,955C
289.	<p>Greenhouse Facilities, Phase 4, University of                  Hawaii, Manoa Campus                  Greenhouse facilities, phase 4, University of Ha-                  waii, Manoa Campus, replacement of greenhouses                  scattered throughout the Manoa Campus which will                  be demolished to make way for construction of new                  major facilities.</p>	AGS	C	4,955 4,955C
	Construction			4,955
	Total Funding			4,955C
290.	<p>Swimming Pool Complex Completion                  University of Hawaii, Manoa Campus                  Completion of swimming pool complex                  University of Hawaii, Manoa Campus                  Plans and construction of locker-showers, offices,                  classroom-meeting room, training room, etc. to                  complete the state swimming pool complex.</p>	AGS	C	17 17C
	Design			17
	Total Funding			17C
	Swimming Pool Complex Completion			17
	University of Hawaii, Manoa Campus			17C
	Completion of swimming pool complex			17
	University of Hawaii, Manoa Campus			17C
	Plans and construction of locker-showers, offices, classroom-meeting room, training room, etc. to complete the state swimming pool complex.			17
	Construction			17C
	Total Funding			17C
	Construction			2,000
	Total Funding			2,000C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agcy.	APPROPRIATIONS (\$1,000's)			Total Biennium 1979-81 F
					FY 1979-80 F	FY 1980-81 F	M O	
291.	Webster Hall Renovations for Dental Hygiene University of Hawaii, Manoa Campus Renovations to Webster Hall for the dental hygiene program.	061						
	Design Construction				25		25	
	Total Funding			AGS	150		150	
					175C	C	175C	
292.	Baseball Stadium, Oahu Plans and construction to complete grandstand, bleachers, dugouts, locker/shower/restroom facilities. Supplements prior appropriation.	LH1301						
	Construction				50		50	
	Total Funding			AGS	50C	C	50C	
	Organized Research—UOH, Manoa							
293.	Mauna Kea Obs. Mid-Level Facilities, Phases 1 and 2. Mauna Kea observatory, mid-level facilities, phases 1 & 2, University of Hawaii, institute for astronomy. Plans and construction of site work, housing, office and laboratory facilities on the slopes of Mauna Kea to accommodate observatory personnel.	123						
	Construction				915		915	
	Equipment				85		85	
	Total Funding			AGS	1,000E	E	1,000E	

294.	Snyder Hall Renovations for Animal Facilities 126 Plans, construction and equipping facilities on the Manoa campus to house animals utilized by the medical school for instruction and research. Design Total Funding	AGS	45 45C	C	45 45C
295.	Various Improvements, Hawaii Institute of Marine Biology, Coconut Island 129 Plans and construction for restoration of fishponds and shoreline structures and seawall improve. at HIMB, Coconut Isl. Design Total Funding	AGS	20 20C	C	20 20C
296.	Hawaii Natural Energy Institute Facilities and Research Projects 146 Design and construction for research and development and demonstration projects toward the development of alternate energy resources. To include projects in the areas of geothermal, OTEC, biomass, wind energy, solar energy, and other energy programs. Plans Land Acquisition Design Construction Equipment Total Funding	UOH	1 1 1 4,996 1 5,000C	C	1 1 1 4,996 1 5,000C
297.	Tropical Crop Facilities in Hilo, Hawaii, for the University of Hawaii 681 Plans for offices, laboratories and special facilities to accommodate the crop programs of the Hawaii branch station. Construction Equipment Total Funding Academic Support—UOH, Manoa	AGS	642 60 702C	C	642 60 702C

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agcy.	APPROPRIATIONS (\$1,000's)						Total Biennium 1979-81 F
				FY 1979-80 F	FY 1980-81 F	M O	M O	F	F	
298.	Sinclair Library Basement Renovation University of Hawaii, Manoa Campus Renovation to Sinclair Library basement and ad- joining areas to consolidate and expand campus audio-visual services.	179								
	Design			21						21
	Total Funding		AGS	21C		C				21C
299.	Learning Assistance Center, University of Hi. Manoa Campus, Oahu	LS0618								
	Design and construction for renovation of existing facilities and purchase of equipment for a learning assistance center in support of students, to be loca- ted in a facility available to students for general study.									
	Construction			20						20
	Equipment			90						90
	Total Funding		AGS	110C		C				110C
300.	Student Services — UOH, Manoa	UOH 105								
	Cooke Field Improvements	220								
	University of Hawaii, Manoa Campus									
	Replacement of artificial turf and track and other related work.									
	Design			84						84
	Construction			1,100						1,100
	Total Funding		AGS	1,184C		C				1,184C
301.	KTUH Radio Station, University of Hawaii, Manoa	LS0420								
	Equipment for completion of KTUH Studios.									
	Equipment			28						28
	Total Funding		AGS	28C		C				28C

302. University of Hawaii Baseball Stadium, Manoa  
Campus, Oahu LS0619

Design and construction for grandstand, bleachers, locker/shower/restroom facilities. Unexpended funds from Item 5E003 of 226/76 and Item 3F001 of 244/78 shall be used to supplement this appropriation.

Construction 130  
Total Funding 130C  
AGS C

UOH 106

303. Institutional Support—UOH, Manoa  
Modifications for HOSHA and Other Code  
Requirements, University of Hawaii at Manoa 250  
Modifications to existing facilities to meet HOSHA and other code requirements.

Design 50  
Construction 300  
Total Funding 350C  
AGS C

304. Completion of Campus Drainage System  
University of Hawaii, Manoa Campus 259  
Construction of campus drainage system along Dole Street.

Construction 1,500  
Total Funding 1,500C  
AGS C

305. Minor CIP Projects 263  
University of Hawaii at Manoa

Planning, constructing and equipping of minor improvements including modifications to existing structures of the Manoa-based programs. Improvements are necessary to provide more efficient utilization of existing spaces to create new spaces for changing and expanding programs.

Design 45  
Construction 430  
Equipment 25  
Total Funding 500C  
AGS C



Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agy.	APPROPRIATIONS (\$1,000's)				Total Biennium 1979-81 F
				FY 1979-80 F	FY 1980-81 F	M O	M O	
306.	Manoa Stream Park, Oahu Design and construction of Phase I of the Manoa Stream Park.	LH1201		5 95 100C			5 95 100C	
307.	Agee House, Manoa, Oahu Design and construction for restoration of Agee House and access road (Old Manoa Loop Road). Unencumbered balances Item 91E4E001 of 226/76 may be used to supplement this appropriation.	LS0620						
308.	New Shops & Classroom Bldgs on Hilo Campus U of H at Hilo, Hawaii Community College Construction of new mechanical trades, building trades, business and distributive education, restaurant training and other para-technical trades buildings on the Hilo campus site.	317						
	Construction Equipment			1,059 360			1,059 360	
	Total Funding		AGS	1,419C	C		1,419C	

UOH 211

309.	UHH-Agriculture Farm Laboratory University of Hawaii at Hilo Plans, construction, furniture and equipment for the University of Hawaii at Hilo Agriculture Farm Laboratory.	322	Design Construction Total Funding	30 247 277C	AGS UOH 214	C 30 247 277C
310.	Learning Resources Center Learning Resources Center University of Hawaii at Hilo, Hilo College. Construction of a resources center including library, instructional resources, information systems, bookstore, and skills devel- opment facilities.	385	Construction Total Funding	1,438 1,438C	AGS UOH 301	C 1,438 1,438C
311.	Honolulu CC—Modernization and Renovation Modernization and renovation of existing facili- ties, Honolulu Community College Plans, construction, furniture and equipment to modify, renovate and improve existing facilities to meet program requirements and provide for the expansion of the college programs.	A09	Design Construction Total Funding	46 368 414C	AGS UOH 301	C 46 368 414C

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Program ID	APPROPRIATIONS (\$1,000's)					Total Biennium 1979-81 F
				FY 1979-80 F	FY 1980-81 F	M O	M O	M O	
312.	Honolulu CC-Electricity-Electronics Build Electricity-Electronics building — Honolulu Comm. Coll. Plans, construction, furniture and equipment for the expansion of the existing electricity-electronics bldg to provide additional laboratories, class- rooms, storage and faculty offices.	A14		73 34 107C				73 34 107C	
	Design								
	Construction								
	Total Funding		AGS		C				
313.	Honolulu CC-Vocational-Technical Facilities Vocational-Technical facilities — Honolulu Comm. Coll. Plans, construction, furniture and equipment for a building to provide shops, classrooms, specialized facilities and offices for the auto mechanics and diesel mechanics programs funds authorized by Act 226 SLH 1976 Item G 96 and Act 243 SLH 1978 Item G 101 may be used to supplement this project.	A15							
	Design								
	Total Funding		AGS		C				
314.	Honolulu Community College, Oahu Plans and construction of a human resources build- ing including necessary equipment and a botanical garden laboratory.	LH1701							
	Design								
	Construction								
	Total Funding		AGS		C				

UOH 305

Institutional Support — Honolulu CC

315. Honolulu CC — Site Development A74

Site development, Honolulu Community College. Demolition of existing facilities, clearing, grading, improvements to drainage and utilities, landscaping additional parking facilities, and service roadways, and outdoor physical education facilities.

Design	.16		
Construction	108		
Total Funding	124C	C	

UOH 321

Leeward Community College  
Instruction-Leeward Community College

316. Leeward Comm. Coll Renovations of Existing Facilities L05

Renovations of existing facilities, Leeward Community College conversion, modifications renovations, and improvements to existing facilities.

Design	10		
Construction	74		
Equipment	1		
Total Funding	85C	C	

UOH 501

Maui Community College  
Instruction—Maui Community College

317. Maui CC-Fine Arts Facilities M05

Fine arts facilities—Maui Community College plans, construction, furniture and equipment to provide classrooms, laboratories, special classrooms, offices and support facilities for the fine arts program.

Design	60		
Total Funding	60C	C	

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agv.	FY 1979-80		FY 1980-81		Total Biennium 1979-81
				M	O	M	O	
318.	Maui Community College—Nursing Laboratory and Learning Skills Laboratory Plans, construction, furniture and equipment for laboratories, classrooms, special classrooms, offices and support spaces for the nursing and learning skills programs.	M09		40				40
	Design		AGS	40C				40C
	Total Funding							
319.	Maui Community College—Agriculture Facilities Plans, construction, furniture and equipment to provide laboratories, classrooms, offices and support spaces for the agriculture program.	M10		25				25
	Design		AGS	25C				25C
	Total Funding							
320.	Institutional Support—Maui Community College Maui CC Minor Capital Improvements Minor capital improvements—Maui Community College plans and construction furniture and equipment for new construction and modifications and improvements to existing facilities	M50						
	Design							10
	Construction							115
	Equipment							5
	Total Funding		AGS	130C				130C

UOH 505

321. Maui CC-Site Development M75  
 Site development—Maui Community College clearing, grading and landscaping of undeveloped lands, including additional parking, roadways, lighting, and utilities.  
 Road.

Design	18		18
Construction	90		90
Total Funding	108C	C	108C

Kauai Community College UOH 605  
 Institutional Support—Kauai CC

322. Kauai CC—Minor Capital Improvements K82  
 Kauai Community College—minor capital improvements. Plans and construction of minor improvements, including new facilities and modifications and improvements to existing facilities and purchase of furniture and equipment.

Design	10		10
Construction	116		116
Total Funding	126C	C	126C

H. CULTURE AND RECREATION  
 CULTURAL ACTIVITIES  
 Collections, Historical Sites and Studies  
 Cultural History & Humanities  
 BUF 802

1. Hawaii Sports Hall of Fame, Oahu LH0901  
 Plans and construction of a sports hall of fame museum, Aloha Stadium. Supplemental appropriation.

Construction	50		50
Total Funding	50C	C	50C

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agcy.	APPROPRIATIONS (\$1,000's)				Total
				FY 1979-80	FY 1980-81	M O	M O	
			Program ID	1979-80 F	1980-81 F	M O	M O	Biennium O
	Hawaii Public Broadcasting		REG	701				
2.	Hawaii Public Television Expansion of Production Facilities, Oahu Design and construction for expansion of Hawaii Public Broadcasting authority facilities.	LS0513						
	Construction						350	
	Total Funding		AGS				350C	350C
3.	Hawaiian Islands Public Radio, Oahu To provide 25% matching funds (federal government pays other 75%) for purchase of radio broadcasting equipment (life expectancy approximately 20 years). Hawaiian islands public radio is a private nonprofit corporation organized to provide a non-commercial radio broadcasting station in Hawaii. Grant-in-aid.	LS0610						
	Equipment						52	52
	Total Funding		AGS				52C	52C
4.	Historical & Archaeological Places Lapakahi North Kohala State Park Complex Land acquisition, planning, research, and incremental development of the North Kohala archaeological and historic sites. Includes Lapakahi, archaeological which offers an opportunity for public interpretation of early Hawaiian fishing & farm system. Other features include Kamehameha's birth place, Mookimi Heiau & other features in the area.	FI13						
	Plans						30	30
	Construction						470	470
	Total Funding		LNR				500C	500C

5.	Hale Pai Restoration, Lahaina, Maui Plans and construction for renovations and stabilization of Hale Pai. Grant-in-aid.	LH0601	Design Construction Total Funding	5 45 50C	C   LNR	5 45 50C
6.	Kulioloa Heiau, Oahu Plans and construction for historic restoration of Heiau. Grant-in-aid.	LH2101	Plans Construction Total Funding	2 8 10C	C   LNR	2 8 10C
7.	King Kamehameha I Birth Site, Hawaii Design and construction for restoration of and improvements to the birth site of King Kamehameha I. Including rock and wrought iron enclosures.	LS0140	Construction Total Funding	75 75C	C   LNR	75 75C
RECREATIONAL ACTIVITIES						
Outdoor Activities						
Forest Recreation						
LNR 804						
8.	Hawaii Game Management Facilities Plans & construction of warehouse-wkshop and utility line.	C02	Plans Construction Total Funding	1 12 13C	C   LNR	1 12 13C



APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agency	Program ID	FY 1979-80		FY 1980-81		Total Biennium 1979-81
					M	F	M	F	
9.	Forest Trails Forest Trails. Trails are constructed, on an incremental basis. Trails are at least 2 feet wide and cleared for easy hiking. Trails provide remote outdoor recreation including hunting, fire and pest control access, and occasionally route for rescue operations. Breakdown by program: other inland-based outdoor activities—75%, forests and open spaces 25%.	D02							
	Plans				I				I
	Construction				23				23
	Equipment				I				I
	Total Funding		LNR		25C			C	25 C
10.	Picnic Ground Development Develop picnic facilities at Puu Huluhulu. Includes: two wooden tables, toilet, 1000 gallon wooden water tank, 100 feet wooden rail, parking area and landscaping.	D20							
	Construction				9				9
	Equipment				3				3
	Total Funding		LNR		12C			C	12C
11.	Halawa Valley Park, Molokai Plans, land acquisition, land site preparation and design for the development of a major state park to include facilities for hiking, camping, picnicking and water recreation activities.	LH0650							
	Design				10				10
	Total Funding		LNR		10C			C	10C

12.	Happiness Garden Project, Hilo, Hawaii Land acquisition, design and construction for landscaping, equipment and other appurtenances. Supplements prior appropriations.	LS0105						
	Construction						10	10
	Total Funding						10C	10C
								C
								LNR
13.	Windward Oahu Trail System, Oahu Design and construction for trail system to accommodate bikers, horses and/or hikers in windward Oahu.	LS0312						
	Construction						100	100
	Total Funding						100C	100C
								C
								LNR
14.	Kulionou Valley Park, Oahu Plans, design, development and construction of recreational and other public facilities and improvements in TMK3-8-12 and TMK 3-8-13:1 Supplement to prior appropriation.	LS0736						
	Construction						7	7
	Total Funding						7C	7C
								C
								LNR
								LNR 805
15.	Waioa Boat Ramp Pavilion, Hawaii Plans and construction of Waioa boat ramp pavilion.	LH0250						
	Construction						10	10
	Total Funding						10C	10C
								C
								LNR
16.	Aquarium, East Hawaii Feasibility study to include but not limited to type of aquarium, site, management arrangement, size, capital improvement cost and operational cost estimate. To be supplemented from Act 244, SLH 1978, Sec. 2, Item I-C-3.	LS0106						
	Construction						1	1
	Total Funding						1C	1C
								C
								LNR

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agv.	APPROPRIATIONS (\$1,000's)				Total Biennium 1979-81
				FY 1979-80	FY 1980-81	FY 1980-81	FY 1980-81	
17.	Boating and Canoe Storage Facilities, Kawaihae South Kohala, Hawaii Design and construction of toilet and shower facilities. To be supplemented by Act 9, SSLH 1977, Sec. 2, Item 1-C-3.	LS0107	LNR	20 20C	C		20 20C	
18.	Parks Recreation Wahiawa Fresh Water Park Incremental development of fresh water park per master plan.	F50	LNR 806	30 30C			30 30C	
19.	Design Total Funding Kahana Valley State Park Incremental development including historic restoration, water features, and other recreation and cultural and heritage opportunities per master plan. Also includes housing for former valley resident families involved in park programs.	F57	LNR	30 30C	C		30 30C	
20.	Design Total Funding Kaena Point State Park Incremental acquisition of private lands, development of beach parks from Makua to Mokuleia. Also includes funds for temporary management of shoreline areas to control existing public use. Includes upland peacock flats area as per master plan.	F72	LNR	25 25C	C		25 25C	
	Land Acquisition Design Construction Total Funding			700 150 100 950C			700 150 100 950C	

21.	<p>Makana-Laperouse State Park                      F73                      Incremental acquisition of land as per conceptual plan. Protection of archaeological and biological features. Development to include interpretation of these features as well as to provide facilities for recreation opportunities.</p>	<p>Land Acquisition                      Total Funding</p>	<p>500                      500C</p>	<p>C</p>	<p>500                      500C</p>
22.	<p>Hapuna Beach State Park.                      F75                      Plans and construction, including acquisition of land to supplement prior appropriations.</p>	<p>Design                      Construction                      Total Funding</p>	<p>50                      250                      300C</p>	<p>C</p>	<p>50                      250                      300C</p>
23.	<p>Waimea Pier                      F82                      Plans and construction for the reconstruction of Waimea landing for recreational purposes. Includes land acquisition onshore for parking and restroom facilities.</p>	<p>Design                      Construction                      Total Funding</p>	<p>15                      150                      165C</p>	<p>C</p>	<p>15                      150                      165C</p>
24.	<p>Kona Airport Park                      H47                      Incremental design and construction for shoreline park development as determined by master plan.</p>	<p>Construction                      Total Funding</p>	<p>1,000                      1,000C</p>	<p>C</p>	<p>1,000                      1,000C</p>
25.	<p>Kapoho Tide Pools                      H77                      Feasibility study followed by plans, land acquisition design, and construction for development of shoreline park.</p>	<p>Plans                      Total Funding</p>	<p>40                      40C</p>	<p>C</p>	<p>40                      40C</p>

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agcy.	FY 1979-80		FY 1980-81		Total Bicentennial 1979-81
				FY 1979-80	M O F	FY 1980-81	M O F	
26.	Kakaako Waterfront Park, Oahu Plans and construction for the development of a waterfront park and recreational facilities on the Fort Armstrong-Kewalo Peninsula. Supplements prior appropriation.	LH1401						
	Construction			600				600
	Total Funding		LNR	600C			C	600C
27.	Waimanalo State Park, Oahu Plans and construction of improvements and expansion to the Waimanalo State Park.	LH2601						
	Construction			20				20
	Total Funding		LNR	20C			C	20C
28.	Hapuna Beach State Park, Hawaii Land acquisition, plans and construction for a beach park on certain lands designated as TMK: 6-6-02:37 and 38 together with the beach fronting these lands at Hapuna, Hawaii.	LS0108						
	Plans							
	Land Acquisition							
	Total Funding			49				49
29.	Motorcycle Training Facility, Hawaii Planning, land acquisition, design and construction for a motorcycle rider's training and recreation area with some overnight camping and related facilities. To be supplemented by Act 9, SSLH 1977, Sec. 2, Item I-C-1; and Act 226, SLH 1976, Sec. 91F, Item I-B-4.	LS0109						
	Construction			50				50
	Total Funding		LNR	50C			C	50C

30. Wailoa River Basin Marine and Park-Related Facilities, Hawaii LS0110

Design and construction for marine-related facilities which shall include a covered structure to house marine related activities, parking facilities capable of handling large vehicles, restroom facilities and other appurtenances. To be supplemented from Act 9, SSLH 1977, Sec. 2, Item I-D-1; Act 226, SLH 1976, Sec. 91F, Item I-B-4; and Act 244, SLH 1978, Sec. 2, Item I-C-5.

Plans  
Total Funding

	I		I
	IC	C	IC
LNR			

31. Wailoa River State Park, Hilo, Hawaii LS0111

Land acquisition, design, construction, and equipment for development, including site improvement, a double ramp, wash down facilities, connecting roads to nearby state parking lots and other appurtenances. Unexpended balances in Act 226, SLH 1976, Sec. 91E, Item II-C-4 and 91F, Items I-B-5 and I-C-1; Act 9, SSLH 1977, Sec. 2, Item I-C-2; and Act 244, SLH 1978, Sec. 2, Item I-C-6 to supplement this appropriation.

Construction  
Total Funding

	5		5
	5C	C	5C
LNR			

32. Aiea-Rainbow Bay Recreational Area and Park, Pearl Harbor, Oahu LS0406

Planning, land acquisition, design and construction for development of Rainbow Bay recreational area and park at Aiea Bay, Pearl Harbor, Oahu. Supplements prior appropriations.

Construction  
Total Funding

	125		125
	125C	C	125C
LNR			

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)				
					FY 1979-80 F	FY 1980-81 F	M O	M O	Total Biennium 1979-81 F
	Ocean-Based Recreation		TRN 801						
33.	Lanai Boat Harbor, Lanai Paving, drainage, dredging, construction of revetment and other improvements.	01M			40 280 320D			40 280 320D	
34.	Statewide Boat Launching Fac. Improv. New and additional boat launching facilities This project qualifies for fed aid financing/reimbursement.	03S		TRN		D			
	Plans				80			80	
	Construction			TRN	541			541	
	Total Funding			TRN	80B	B		80B	
				TRN	541C	C		541C	
35.	Ka'u District Boat Ramp, Hawaii Plans and construction of a boat ramp.	LH0101							
	Design				5			5	
	Construction				45			45	
	Total Funding			TRN	50C	C		50C	
36.	Honouliwai Boat Ramp, Molokai Plans and construction of a boat ramp and other improvements.	LH0601							
	Design				5			5	
	Total Funding			TRN	5C	C		5C	

37.	<p>Kaunakakai Small Boat Harbor, Molokai LH0602 Plans and construction for improvements to Kaunakakai small boat harbor. Unexpended balances in Item IVA-H-30 of Act 226, SLH 1976; and Item II-D-10 of Act 9, SLH 1977 may be used for this project.</p>	TRN	<p>I IC C</p>	<p>I IC</p>
38.	<p>Kaunakakai Small Boat Harbor, Molokai LH0650 Planning, design, land site preparation and construction of general improvements to include dredging, mooring facilities, widening of inlet, and other improvements.</p>	TRN	<p>2 13 15C C</p>	<p>2 13 15C</p>
39.	<p>Honouliuli Boat Launching Ramp, East Molokai LH0651 Plans, design and construction of boat ramp.</p>	TRN	<p>10 10C C</p>	<p>10 10C</p>
40.	<p>Haleiwa Small Boat Harbor, Oahu LH2250 Plans and construction for the installation of a gate and night lights and repairs of the vehicle approach to the harbor.</p>	TRN	<p>2 14 16C C</p>	<p>2 14 16C</p>
41.	<p>Hanalei Pier Project, Kauai LH2701 Reconstruction of Hanalei Pier</p>	TRN	<p>100 100C C</p>	<p>100 100C</p>



Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)				
					FY 1979-80 F	FY 1980-81 F	M O	M O	Total Biennium 1979-81 F
42.	Waiakea Canal, Kauai Survey, soundings, plans, and dredging of Waiakea Canal for boat traffic.	LH2702			4				4
	Plans				36				36
	Construction				40C			C	40C
	Total Funding								
43.	Port Allen Small Boat Harbor, Kauai Plans and construction of catwalk for launching ramp	LH2703							
	Plans				1				1
	Construction				34				34
	Total Funding				35C			C	35C
44.	Boat Ramp Ka'u, Hawaii Design and site location of a boat ramp at Ka'u, Hawaii	LS0133							
	Design				10				10
	Total Funding				10C			C	10C
45.	Wailoa River and Hilo Bay Area, Hawaii Design, construction, equipment and other appurtenances for emergency drydocking facility, mooring facilities, bulk heads and repair and maintenance of existing facilities. To be supplemented from Act 244, SLH 1978, Sec. 2, Item I-D-5.	LS0134							
	Construction				5				5
	Total Funding				5C			C	5C

46.	Small Boat Launching Ramp, Molokai Design and construct a small boat launching ramp at Molokai. Funds appropriated in Section 2, Item II-D-1, and 2 in Act 244 SLH 1978 may be used for this project.	LS0214	Construction Total Funding	5 5C	C	5 5C
47.	Kukuia Small Boat Harbor, Kauai Plans and construction of a parking area.	LS0809	Construction Total Funding	10 10C	C	10 10C
48.	Kukuia Small Boat Harbor, Kauai Plans, design and construction to alleviate the surge in the harbor.	LS0810	Construction Total Funding	25 25C	C	25 25C
49.	Spectator Events & Shows—Aloha Stadium Air Bearings for Movement System Replacement air bearings for movement system.	BUF 889	Design Construction Total Funding	30 320 350C	C	30 320 350C
50.	Corrosion Protection of Metal Decking Restoration and corrosion protection of structural metal decking.	B19	Design Construction Total Funding	30 375 405C	C	30 375 405C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)				
					FY 1979-80	FY 1980-81	FY 1980-81	Total Biennium 1979-81	
				M O F	M O F	M O F	M O F		
51.	Embankment Stabilization on Aloha Stadium Grounds Stabilization and restoration of embankments on stadium grounds.	B21			35			35	
	Design Construction				230			230	
	Total Funding			AGS	265C			265C	
52.	Roof Drainage Improvements Modification of roof gutter drains.	B22							
	Design Construction				6			6	
	Total Funding			AGS	41			41	
					47C			47C	
53.	Salt Lake Boulevard Improvements Improvements to Salt Lake Boulevard from the improved portion at Aloha Stadium to Kahupaani Street. This project receives federal aid financing/ reimbursement.	B25							
	Construction				1,130			1,130	
	Total Funding			AGS	220C			220C	
				AGS	910M			910M	

GENERAL ADMIN FOR CULTURE & RECREATION

LNR 809

F02

54. Statewide Interpretive Planning  
 There is no interpretive program for existing state parks. Historic-archaeologic projects underway involve major interpretive programs. These projects should be coordinated. Other state park historic and natural features can be interpreted but these features must be evaluated to determine the need and priority for interpretation.

Plans	10	10
Design	5	5
Construction	10	10
Total Funding	25A	25A

LNR

A

F06

55. Hawaii Heritage Program: Planning and Protective Fencing and Signs  
 To survey by inventory, identification and evaluation areas containing representative or unique examples of Hawaii's natural heritage, and where areas are being protected and preserved, as natural area reserves, erect required fences and signs. This project receives federal aid financing/reimbursement.

Plans	80	80
Total Funding	40A	40A

LNR

A

N

I. PUBLIC SAFETY  
 SAFETY FROM CRIMINAL ACTIONS

Confinement  
 Juvenile Correctional Facilities  
 SOC 401

CD7901

1. Hilltop Reroofing  
 Reroof of hilltop cottage and related work.

Design	6	6
Total Funding	6C	6C

AGS

C

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agy.	APPROPRIATIONS (\$1,000's)			
				FY 1979-80 F	FY 1980-81 F	M O	Total Biennium 1979-81 F
2.	Replacing and Servicing Telephone Poles and Electrical Lines Replacing up to twenty telephone poles and servicing transformers and electrical lines on the mauka side of the facility.	CD7902		6 6C	C		6 6C
3.	Shop Building Repairs. Termite Damage Repairs Repairs to wooden structural damages. Repair or replace damaged truss work	CD7904		7 7C	C		7 7C
4.	Repair Gym Repair floors, walls, ceiling. Repaint interior and exterior fumigate building and ground treat premise.	CD7906		16 16C	C		16 16C
5.	Repairs and Restoration of Cottages—Kaala, Olomana and Maunawili Reroof of cottages. Replacement of all security windows. Rerouting of all cold water supply plumbing to overhead. Replace all clerestory windows with security louvres. Replace all lighting fixtures with fluorescent. Replace all deteriorated floor covering. Replace all security type rails and fencing on roofs.	CD7910		128 128C	C		128 128C

6.	Hawaii Youth Correctional Facility, Oahu Plans and construction of a parking lot	LH2401	AGS	I IC	C	I IC
	Construction Total Funding					
7.	Hawaii Youth Correctional Facilities, Kailua, Oahu Design and construction for general improvements and renovations to the Hawaii youth correctional facilities for future permanent use by state agencies. Unexpended balances from Act 9, Special Session 1977, Section 2, Item III-K-3 may be used to supplement this appropriation.	LS0313	AGS	I IC	C	100 100C
	Construction Total Funding					
	High Security Facility		SOC 402			
8.	Construction of Module-C-High Security Facility Construction of module-C.	CD7912	AGS	20 1,200	C	20 1,200
	Design Construction Equipment Total Funding					
			AGS	30 1,250C	C	30 1,250C
9.	Halawa Sewer Tie In to Honouliuli Sewage Treatment Works Plan, design and construction of a sewer trunk line from Halawa correctional facility to an interceptor sewer to carry untreated effluent to the Honouliuli sewage treatment works in compliance with federal water pollution control act (PL92-500)	CD7916	AGS	7 7C	C	7 7C
	Design Total Funding					

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agcy.	APPROPRIATIONS (\$1,000's)			
				FY 1979-80	FY 1980-81	Total Biennium 1979-81	
			FY M O F	FY M O F	M O	M O F	
			Program ID				
10.	Oahu Community Correctional Center		SOC	407			
	Renovation of Oahu CCC Dorms, Cells, Adm Bldg	CD7913					
	The renovation of existing dorms, cell block & adm bldg at Oahu CCC.						
	Design				100		100
	Construction				1,300		1,300
	Total Funding		AGS		1,400C	C	1,400C
	General Support—Criminal Action						
	General Adm—Confinement		SOC	493			
11.	Plan & Design for Additional New Facilities A	CD7914					
	Oahu CCC						
	Plan for the best utilization on a short & long range basis of the existing state property at the Oahu CCC. Plan/design additional bed spaces with maintenance & program support components						
	Plans				50		50
	Total Funding		AGS		50C	C	50C
12.	Plan and Design for Additional Facilities for Neighbor Island ISC/CCCS.	CD7915					
	To plan and design a prototype structure for three neighbor island ISC/CCCS to be utilized by three service delivery agencies: intake service centers, Hawaii paroling authority and corrections division. The structure will provide housing and programmatic services to offenders.						
	Plans				50		50
	Design				100		100
	Total Funding		AGS		150C	C	150C

SAFETY FROM PHYSICAL DISASTERS  
Amelioration of Natural Disasters

DEF 110

13.	Additional Improvements to National Guard Armories Planning and construction of additional improvements at all National Guard armories to upgrade facilities to conform to current National Guard bureau standards and criteria and to meet other unit requirements	Design Construction Total Funding	50 142 AGS AGS	50 142 C N	50 142 70C 122N
14.	Replacement of Disaster Warning Sirens Incremental replacement of civil defense disaster warning sirens, statewide, worn out and unserviceable due to age, use and exposure. This is a continuing program from year to year. Federal matching funds are reimbursable to the State.	Construction Total Funding	168 84C AGS AGS	168 84C C N	168 84C 84N
15.	Additional Disaster Warning Sirens Incremental installation of additional civil defense disaster warning sirens, statewide, to expand the coverage of warning system to keep pace with new developments, growth of communities and population shifts. This is a continuing program from year to year. Federal matching funds will be reimbursed to the State.	Construction Total Funding	312 156C AGS AGS	312 156C C N	312 156C 156N



Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)				Total Biennium 1979-81 F
					FY 1979-80 F	FY 1980-81 F	M O	M O	
16.	Improvements to Puu Manawahua Communications Site Plans and construction of security fencing, high security doors and windows, and other improvements to upgrade the site to a secure, useable communications facility	C19							
	Design								4
	Construction				4				4
	Total Funding			AGS	8C		C		8C
17.	Wahiawa National Guard Armory, Oahu Plans and construction for general improvements of facilities. Unexpended balance from Item IV-M-4, Act 226, SLH 1976, shall be used to supplement this appropriation.	LH2001							
	Construction								1
	Total Funding			AGS	1C		C		1C
<b>K. GOVERNMENT-WIDE SUPPORT</b>									
EXEC DIRECTN, COORD, & POLICY DEVELOPMENT									
1.	Office of the Governor Project Adjustment Fund To establish a contingency fund for project adjustment purposes subject to the provisions of the appropriations act (to be expended by the office of the governor).		GOV 100						
	Design								1,000
	Total Funding			GOV	1,000C		C		1,000C

Policy Development and Coordination					
BUF—Prgm Plannng, Analysis & Budgeting	BUF 101				
Renovation of the Former Marks Estate for HIMAG	HIM001				
Renovation of the former Marks residence at 3860 Old Pali Road, Nuuanu, to a state center for analytical training for the Hawaii Institute for Management and Analysis in Government (HIMAG).					
Design					5
Construction					150
Total Funding					155C
Land Use, Statewide Plan and Coordination	PED 103	AGS			C
Kakaako Community Development District, Oahu.	HCD001				
Plans and designs for development of the Kakaako area, including addressing present needs as well as long-range potentials. May be used to match federal and non-state funds, as may be available.					
Design					1,862
Total Funding					1,862C
GENERAL SERVICES					
Property Management					
Public Lands Management	LNR 101				
Makiki Ditch, Oahu	LH1301				
Planning and engineering, construction and inspection to rehabilitate Makiki ditch. Supplements prior appropriation.					
Construction					255
Total Funding					255C
Water Line, Mokauea Island, Oahu	LS0512				
Design and construction for installation of a water line to Mokauea Island. To supplement prior appropriations.					
Construction					16
Total Funding					16C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)			
					FY 1979-80	FY 1980-81	Biennium 1979-81	Total
6.	Hanaiei River Project, Kauai Design and construction for clearing of hau trees above the Hanaiei Bridge.	LS0803		LNR	75† 75C†	C	75† 75C†	
7.	Peekauai Ditch Project, Kauai Plans for reconstruction of Peekauai ditch along Menehune Road in Waiimea Valley Road.	LS0804		LNR	25 25C	C	25 25C	
8.	Pearl City Civic Center Annex A state office building and parking facility.	A30		AGS	1,573 15	C	1,573 15	
9.	Kaunakakai Civic Center Land acquisition and state office building for Kaunakakai Civic Center	A39		AGS	1,588C	C	1,588C	
	Construction Equipment							
	Construction Total Funding							
	Facilities Construction and Maintenance Construction			AGS 221				
	Land Acquisition Design							
	Land Acquisition Design Total Funding							
				AGS	239 25 264C	C	239 25 264C	

† Vetoed as indicated and initialed "GRA".

10.	New State Office Bldg. No. 2 Des. and Const A new state office building in the Milliani mall block to include renovation of temporary facilities demolition and landscaping	A40			
	Plans		20		20
	Design		660		660
	Construction		1,536		1,536
	Equipment		15		15
	Total Funding		2,231C	C	2,231C
			AGS		
11.	Renovation of Kamamalu Bldg Renovation for existing &, new office space occu- pancies improvement of air conditioning system and lighting system including the replacement of major components. Also work to upgrade the build- ing.	B04			
	Design		47		47
	Construction		547		547
	Total Funding		594C	C	594C
			AGS		
12.	Advance Planning, Statewide To prepare reports, studies, inventories, reviews, and perform all necessary activities to carry-out DAGS functions.	B27			
	Plans		70		70
	Total Funding		70A	A	70A
			AGS		
13.	Remodeling State Office Spaces Remodeling and upgrading state office spaces, statewide. To include the old federal courthouse building, funds from Item K-16, Act 243, SLH 1978; Item K-16, Act 10, SPSLH 1977; and Item K-19, Act 226, SLH 1976 may be used to supple- ment this appropriation.	B28			
	Design		80		80
	Construction		438		438
	Total Funding		518C	C	518C
			AGS		

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agcy.	APPROPRIATIONS (\$1,000's)				Total Biennium 1979-81 F
				FY 1979-80 F	FY 1980-81 F	M O	M O	
14.	State Capitol Improvements and Renovations Improvements to the building systems including roof, air conditioning, office renovations, pool improvements, and other facilities improvements and renovations for the State Capitol.	B41		200 1,800 2,000C			200 1,800 2,000C	
15.	Makai Land Acquisition—State Capitol Complex Land acquisition and site preparation on site adjacent to state judiciary complex (Reed block TMK: 2-1-30). Purchase of parcel to be utilized for future expansion of the state judiciary complex or state office building.	50L	AGS		C			
16.	Land Acquisition Design Construction Total Funding Easter Seal Society for Crippled Children and Adults of Hawaii, Hilo, Hawaii Plans and construction of new Easter Seal facilities. Grant in aid. Supplements prior appropriation.	LH0201	AGS	4,944 15 41 5,000C			4,944 15 41 5,000C	
17.	Construction Total Funding Hilo Civil Air Patrol Hangar, Hawaii Plans, construction and installation of a sliding door.	LH0250	AGS	50 50C	C		50 50C	
	Construction Total Funding		AGS	5 5C	C		5 5C	

18.	Honokaa Civic Center, Hawaii Plans and construction for renovations and restorations of the cottage at the Honokaa Civic Center, Hawaii.	LH0301					
	Design					2	
	Construction					8	
	Total Funding					10C	C
			AGS				
19.	YMCA Camp Keanae, Maui Plans and construction to expand the outdoor education program by improving the campsite, including construction of additional cabins, improving existing facilities and landscaping. Grant-in-aid.	LH0501					
	Design					10	
	Construction					90	
	Total Funding					100C	C
			AGS				
20.	Hawaii State Senior Center Design and construction of improvements	LH1650					
	Construction					17	
	Total Funding					17C	C
			AGS				
21.	Palama Settlement, Oahu Plans and construction for development and improvement of Palama Settlement. Unexpended balance in Item IV-N-2, Section 91E, Act 226, SLH 1976 may be used for this appropriation. Grant-in-aid.	LH1750					
	Construction					300	
	Total Funding					300C	C
			AGS				
22.	Kaewai Stream Improvements, Oahu Plans, design and construction for flood erosion-control improvements adjacent to Kaewai Elementary School. Item IV-E-24 of Act 244 Session Laws of Hawaii 1978 shall be used for this appropriation.	LS0501					
	Plans					20	
	Total Funding					20C	C
			AGS				

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agy.	FY 1979-80	FY 1980-81	Total Biennium	
						M O F	M O F
23.	Kapahulu Multipurpose Senior Center, Oahu Design and construction of Kapahulu multipurpose senior center as a community facility for delivery of, but not limited to health, social, educational and recreational activities for the elderly.	LS0701		30		30	
	Construction		AGS	30C		30C	
	Total Funding				C		
	Subsidies to Counties						
	County Capital Improvement Projects						
	City & County of Honolulu						
							SUB 201
24.	Private Sewer System, Oahu Acquisition of private sewer system in Hawaii Kai.	LH0701		86		86	
	Construction		CCH	86C		86C	
	Total Funding				C		
25.	22nd Avenue Improvements, Oahu Plans and construction of sidewalk along the Koko Head side of 22nd Avenue between Diamond Head and Kilauea Avenue; and realignment and diversion of storm drain water of the same area of 22nd Avenue.	LH0801		12		12	
	Design			113		113	
	Construction			125C		125C	
	Total Funding		CCH		C		
26.	Diamond Head Crater Park, Oahu Plans and construction of a park facility.	LH0802		1		1	
	Construction		CCH	1C		1C	
	Total Funding				C		

27. Kanewai Field, Oahu  
 LH0901  
 Plans and construction of general improvements to facilities provided that no funds be made available unless the City and County of Honolulu provides matching funds for the purpose of this appropriation.
- |               |     |   |     |     |     |
|---------------|-----|---|-----|-----|-----|
| Construction  |     |   |     |     |     |
| Total Funding | 100 | C | 100 | 50C | 50S |
|               | CCH |   |     |     |     |
|               | CCH |   |     |     |     |
28. Palolo Neighborhood Playground, Oahu  
 LH0902  
 Plans and construction of tennis courts provided that no funds be made available unless the City and County of Honolulu provides matching funds for the purpose of this appropriation. Supplements prior appropriation.
- |               |     |   |     |     |     |
|---------------|-----|---|-----|-----|-----|
| Construction  |     |   |     |     |     |
| Total Funding | 160 | C | 160 | 80C | 80S |
|               | CCH |   |     |     |     |
|               | CCH |   |     |     |     |
29. Maunalani Heights Playground, Oahu  
 LH0903  
 Plans and construction for general improvements provided that no funds be made available unless the City and County of Honolulu provides matching funds for the purpose of this appropriation. Supplements prior appropriation.
- |               |     |   |     |     |     |
|---------------|-----|---|-----|-----|-----|
| Construction  |     |   |     |     |     |
| Total Funding | 100 | C | 100 | 50C | 50S |
|               | CCH |   |     |     |     |
|               | CCH |   |     |     |     |
30. Pukele Playground, Oahu  
 LH0904  
 Plans and construction of a chain-link fence and general improvements, provided that no funds be made available unless the City and County of Honolulu provides matching funds for the purpose of this appropriation.
- |               |     |   |    |     |     |
|---------------|-----|---|----|-----|-----|
| Design        |     |   |    |     |     |
| Construction  | 10  |   |    |     |     |
| Total Funding | 90  | C | 90 | 50C | 50S |
|               | CCH |   |    |     |     |
|               | CCH |   |    |     |     |



Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)				Total Biennium O 1979-81 F	Total Biennium M 1980-81 F
					FY 1979-80 F	M O	FY 1980-81 F	M O		
31.	Pukele Stream, Oahu Plans and construction of a retaining wall to prevent erosion along Pukele stream, from Keanu Street to St. Louis Drive, provided that no funds be made available unless the City and County of Honolulu provides matching funds for the purpose of this appropriation. Supplemental appropriation.	LH0905			180				180	
	Construction			CCH	90C				90C	
	Total Funding			CCH	90S				90S	
32.	Kalakaua Avenue 16" Water Main, Part II— Waikiki, Oahu Plans and construction for installation of 1,750 linear feet of 16" water main and appurtenances along Kalakaua Avenue from Uluniu Avenue to Seaside Avenue.	LH1101								
	Design				30				30	
	Construction				301				301	
	Total Funding			CCH	331C				331C	
33.	Kapiolani Park, Oahu Plans and construction of a new tennis center facilities located in Kapiolani Park, including tennis center building, bleachers, and parking area.	LH1102								
	Construction				200				200	
	Total Funding			CCH	200C				200C	

34.	Gateway Park, Oahu Plans and construction of improvements including landscaping, walkways and fountain.	LH1103	Design Construction Total Funding	10 59 69C	10 59 69C	C
35.	McCully Recreation Center, Oahu Plans, design, and construction of a meeting and general purpose room.	LH1201	Design Construction Equipment Total Funding	15 125 10 150C	15 125 10 150C	C
36.	Recreational Facilities, 12th Representative Oahu Plans, construction, and installation of recreational facilities in all state and city parks in the 12th representative district.	LH1202	Design Construction Equipment Total Funding	35 78 35 148C	35 78 35 148C	C
37.	Huelani Drive, Manoa, Oahu Plans and construction for drainage improvements.	LH1301	Design Construction Total Funding	2 18 20C	2 18 20C	C
38.	Makiki District Park, Oahu Plans and construction of jogging paths and installation of informational plaques along route.	LH1302	Construction Total Funding	5 5C	5 5C	C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)							
					FY 1979-80	FY 1980-81	FY 1979-80	FY 1980-81	Total Biennium 1979-81			
					F	O	F	O	F	O	F	O
39.	Manoa Recreation Center, Oahu Plans and construction of 80 parking stalls mauka of baseball field along Kahaloa Drive and including plans and installation of lights for lot.	LH1303			20				20			
	Design				50				50			
	Construction			CCH	70C				70C			
	Total Funding											
40.	Lower Manoa, Oahu Plans and construction of improvements to Metcalf Avenue between Wilder Avenue and University Avenue. Supplements prior appropriation.	LH1304			15				15			
	Construction				15C				15C			
	Total Funding											
41.	Papakolea Recreational Center, Oahu Plans and construction for roof over bleachers; installation of gutters to improve drainage; and construction of steps from Kauhane Street and Tantalus Drive to the center.	LH1501										
	Construction				130				130			
	Total Funding				130C				130C			
42.	Booth Park, Oahu Plans and design for a new multi-purpose senior community center.	LH1502										
	Plans				10				10			
	Design				60				60			
	Total Funding				70C				70C			

43.	Na Puco Park, Alewa Heights, Oahu Plans and construction for development of previously acquired site.	LH1503							
	Construction							25	25
	Total Funding							25C	25C
									C
44.	Star Road 8-inch Water Main, Paoa, Oahu Plans and construction for installation of 1,500 linear feet of 8-inch water main and appurtenances along Star Road from Kanealii Avenue to Pacific Heights Road.	LH1504							
	Land Acquisition							7	7
	Design							23	23
	Construction							142	142
	Total Funding							172C	172C
									C
45.	Twin View Drive 8-inch Water Main, Puunui, Oahu Plans and construction of 800 linear feet of 8-inch water main along Twin View Drive from Waolani Avenue.	LH1505							
	Design							2	2
	Construction							70	70
	Total Funding							72C	72C
									C
46.	Lanakila Park, Oahu Plans and design of swimming pool complex.	LH1601							
	Plans							25	25
	Total Funding							25C	25C
									C
47.	Mauka Kalihi Valley Recreation Area, Oahu Plans and construction for a recreation area in mauka Kalihi Valley.	LH1602							
	Plans							50	50
	Total Funding							50C	50C
									C

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Ag.	FY 1979-80		FY 1980-81		Total Biennium 1979-81
					M	O	M	O	
48.	Lanakila Playground, Oahu Construction of swimming pool.	LH1650			28	28	C		28
	Construction			CCH	28	28	C		28
	Total Funding				28	28			28
49.	Kamehameha Field, Oahu Plans and construction of two Biddy basketball courts.	LH1651							
	Construction				25	25	C		25
	Total Funding			CCH	25	25			25
50.	Numana Road, Kalihi, Oahu Plans, engineering, land acquisition and construction for the realignment of Numana Road.	LH1652							
	Land Acquisition				15	15			15
	Design				15	15			15
	Construction				10	10			10
	Total Funding			CCH	40	40	C		40
51.	Kalakaau Recreation Center, Oahu Plans and construction for a master plan, pool, and courtlighting.	LH1701							
	Construction				1	1			1
	Total Funding			CCH	1	1	C		1
52.	Halawa District Park, Oahu Plans and construction of baseball dugouts and other facilities to Field No. C at Halawa District Park and expansion and relocation of ball field.	LH1801							
	Design				5	5			5
	Construction				45	45			45
	Total Funding			CCH	50	50	C		50

53.	Moanalua Recreational Center, Oahu Plans and construction of a recreational center in the vicinity of Moanalua Intermediate and Elementary School.	LH1850	CCH	200 200C	C	200 200C
	Construction Total Funding					
54.	Moanalua Sub-Division Park, Oahu Plans and construction of a community park located within the vicinity of the Moanalua Golf Course.	LH1851	CCH	50 50C	C	50 50C
	Construction Total Funding					
55.	Halawa Community Regional Park, Oahu Plans and construction of a gym for the Halawa Community Regional Park. Supplemental appropriation.	LH1852	CCH	50 50C	C	50 50C
	Construction Total Funding					
56.	Pearl City Skateboard Rink, Oahu Plans, land acquisition, and construction of a skateboard rink, including ground and site improvements.	LH1901	CCH	15 15C	C	15 15C
	Construction Total Funding					
57.	Mahoe Street, Waipahu, Oahu Plans and construction for the widening of Mahoe Street, from the entrance of August Ahrens School to Haipo Street.	LH2001	CCH	5 45 50C	C	5 45 50C
	Design Construction Total Funding					

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agcy.	FY 1979-80		FY 1980-81		Total Biennium 1979-81	
					M	O	M	O		
58.	Ewa Beach Community Park, Oahu Plans and installation of night lights.	LH2101								
					Plans				2	
					Construction				8	
	Total Funding			CCH	10C		C	10C		
59.	Ewa Community Center, Oahu Plans and construction for a multi-purpose facility. Grant in aid.	LH2102								
					Plans				15	
					Construction				15	
	Total Funding			CCH	30C		C	30C		
60.	Maile Senior Citizens Center and Recreational Park. Plans and construction for renovation of existing structure of the former Voice of America property for use as a senior citizens center including grounds and site improvements. Grant-in-aid.	LH2103								
					Plans					
					Construction					
	Total Funding									
61.	Roads, 21st Representative District, Oahu Plans and installation of Mercury Vapor street lights on Kunale Road and Luahalei Homestead Road. Grant-in-aid.	LH2104								
					Plans				5	
					Construction				10	
	Total Funding			CCH	15C		C	15C		
	Total Funding									
	Total Funding			CCH	20C		C	20C		

62.	LH2105	Alta Street, Waianae, Oahu Plans and construction for installation of 800 linear feet of 8-inch water main and appurtenances along Alta Street from Glenmonger Street to Pokai Street.	Construction Total Funding	CCH	64 64C	C	64 64C
63.	LH2106	Farrington Highway, Waiii, Oahu Plans and construction for installation of 1,900 linear feet 12-inch water main and appurtenances along Farrington Highway from Mailiili Road to Kaukamana Street.	Construction Total Funding	CCH	12 12C	C	12 12C
64.	LH2150	Waianae Senior Citizen Center Building, Oahu Plans and construction to land fronting Farrington Highway, TMK 85 - 02 - 5411. State funds to be matched by City and County of Honolulu	Design Construction Total Funding	CCH CCH	34 2 18C 18S	C S	34 2 18C 18S
65.	LH2201	Dole Road Water Main, Oahu Plans and construction for installation of 700 linear feet of 8-inch water main and appurtenances along Dole Road from Hoi Place to Kiekie Place.	Design Construction Total Funding	CCH	6 50 56C	C	6 50 56C
66.	LH2450	Malunui Street Extension, Oahu Plans and construction for paving of both sides of road leading into Kailua Library parking lot.	Construction Total Funding	CCH	5 5C	C	5 5C



APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	FY 1979-80		FY 1980-81		Total Biennium 1979-81
					M O	F	M O	F	
67.	Kailua Field, Oahu Plans and construction of a gymnasium. To be matched by funds from the City and County of Honolulu	LH2501			260				260
					130C		C		130C
					130S		S		130S
68.	Waimanalo Community Services Center, Waimanalo, Oahu Plans and construction for emergency repairs and maintenance.	LH2601		CCH	5				5
					5C		C		5C
69.	Waimanalo Community Multi-Purpose Center, Waimanalo, Oahu Plans and construction of new facilities.	LH2602		CCH	7				7
					7C		C		7C
70.	Flamingo Street Water Main, Waimanalo, Oahu Design and construction for installation of 1700 linear feet of 8-inch water main and appurtenances along Flamingo Street from Kalamanaole Highway to the end of Flamingo Street.	LS0315		CCH	173				173
					173C		C		173C
71.	Kamehameha Hwy Drainage Project, Oahu Land acquisition, design and construction for Kamehameha Highway drainage system from below Lulani Street to Kahekili Highway intersection.	LS0316		CCH	150				150
					150C		C		150C

72.	Kaikāua School Playground, Oahu Design and construction for the repair of windbreakers at the tennis courts.	LS0514							
	Construction		CCH	60	60				
	Total Funding			60C	60C				
73.	Kohou Street Improvements, Oahu Plans, design and construction of roadway im- provements between Vineyard Boulevard and Houghtailing Street behind Damien High School.	LS0516							
	Construction		CCH	20	20				
	Total Funding			20C	20C				
74.	Gateway Park, Waikiki Oahu Construction of Gateway Park in Waikiki. City Project No. 712523, P.738 City Budget FY 79/80. State requirement.	LS0611							
	Construction		CCH	200	200				
	Total Funding			200C	200C				
75.	Honolulu Zoo, Oahu Construction of lion cage.	LS0612							
	Construction		CCH	36	36				
	Total Funding			36C	36C				
76.	Huelani Drive, Oahu Design and construction for drainage improvement including new pipe drain. Unencumbered balances in Item 91E-IV-N-63 of Act 226, Session Laws of Hawaii 1976, may be used for this appropriation.	LS0613							
	Construction		CCH	90	90				
	Total Funding			90C	90C				
77.	McCully Recreation Center, Oahu Plans, design and construction of a meeting and general purpose room. (To be expended by the City and County of Honolulu.)	LS0615							
	Construction		CCH	28	28				
	Total Funding			28C	28C				

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agy.	FY 1979-80		FY 1980-81		Total Biennium 1979-81	
				M	O	M	O	M	O
78.	Tennis Facilities, Kapiolani Park Oahu Construction of additional tennis courts, night lighting and parking facilities, City Project No. 716432 P.590 City Budget FY 79/80 state requirement.	LS0616	CCH	200	200C		C	200	200C
79.	Woodlawn Extension Bridge, Oahu Design and construction for flood control at Manoa Stream on the roadway fronting Manoa Library/Noelani School/Long's Manoa to protect public safety and state lands.	LS0617	CCH	150	150C		C	150	150C
80.	Kalama Valley, Oahu Design and construction for park, recreational and other public facilities and improvements for Kalama Valley Park, Oahu.	LS0737	CCH	50	50C		C	50	50C
81.	Kapahulu Avenue, Oahu Design and construction for traffic signal lights at Kapahulu Avenue and Charles Street.	LS0738	CCH	15	15C		C	15	15C

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County of Hawaii

82.	Ka'u Community Center Renovations, Hawaii Plans and construction to existing facility in Naalehu.	LH0101					
	Design		5	5			
	Construction		45	45			
	Total Funding		50C	50C	C		
83.	Keaau Park, Hawaii Plans and construction of district park facilities. To supplement prior appropriations.	LH0102					
	Design		5	5			
	Construction		20	20			
	Total Funding		25C	25C	C		
84.	Keaau Community Center, Hawaii Plans and construction of a community center. To supplement prior appropriations.	LH0103					
	Design		5	5			
	Construction		70	70			
	Total Funding		75C	75C	C		
85.	Pahala Community Center, Hawaii Plans and construction of a community center.	LH0104					
	Construction		75	75			
	Total Funding		75C	75C	C		
86.	Volcano Community Center, Hawaii Plans and construction of a community center.	LH0105					
	Design		5	5			
	Construction		20	20			
	Total Funding		25C	25C	C		

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Program ID Agy.	APPROPRIATIONS (\$1,000's)			
				FY 1979-80 F	FY 1980-81 F	M O	Total Biennium 1979-81 F
87.	Hilo Civic Auditorium Improvement, Hawaii Plans and construction for expansion of existing facility including necessary renovation work. Supplements prior appropriation.	LH0201		40 40C	C		40 40C
88.	Hilo Storm Drainage, Hawaii Plans, land acquisition and construction of flood control measures in Hilo. Supplements prior appropriation.	LH0202		25 25C	C		25 25C
89.	Hilo Streets Improvements, Hawaii Plans and construction for improvements to existing streets in the Hilo area. Supplements prior appropriation.	LH0203		40 40C	C		40 40C
90.	Hoolulu Park Improvements, Hawaii Plans and construction for improvements to existing Hoolulu Park multi-purpose stadium including seating, electrical work and other appurtenant items. Supplements prior appropriation.	LH0204		25 25C	C		25 25C
91.	Keaukaha Gymnasium, Hawaii Plans for development of Keaukaha Gymnasium complex.	LH0205		20 20C	C		20 20C

92.	<p>Old Waiakea Mill Sewerage System, Hawaii                      Plans, land acquisition and construction of sewage                      system to service the old Waiakea Mill area in Hilo.                      Supplements prior appropriation.</p>	LH0206	COH	25 25C	C	25 25C
93.	<p>Youth Shelter, Hilo, Hawaii                      Plans and construction of Hilo Youth Shelter Facility.</p>	LH0250	COH	5 95 100C	C	5 95 100C
94.	<p>Panaewa Well No. 3, Hawaii                      Plans and construction for incremental development of the Panaewa Well source including drilling and casing of deep well and installation of deep well pump.</p>	LH0251	COH	20 20 C	C	20 20C
95.	<p>Haihai Reservoir, Hawaii                      Plans and construction of a 0.5-MG reservoir.</p>	LH0252	COH	25 25C	C	25 25C
96.	<p>Waianuene Bridge, Hawaii                      Plans and construction for bridge widening.</p>	LH0253	COH	50 50C	C	50 50C
97.	<p>Aquarium, Hawaii                      Plans and construction of an aquarium. Shall be supplemented by Item I-W-2, Section 2, Act 244/78.</p>	LH0254	COH	50 50C	C	50 50C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)			
					FY 1979-80	FY 1980-81	Total Biennium 1979-81	F
98.	Keaukaha Gymnasium, Hawaii Plans and construction for development of Keaukaha Gymnasium complex.	LH0255						
	Plans				15			15
	Total Funding			COH	15C		C	15C
99.	Cultural Center, Hilo, Hawaii Plans and construction of a cultural center in Hilo. Shall be supplemented by Section 91F, Item I-M-1 of Act 226, SLH 1976, Section 2, Item I-W-10 of Act 9, SPSLH 1977, and Section 2, Item I-W-4 of Act 244, SLH 1978.	LH0256						
	Construction				25			25
	Total Funding			COH	25C		C	25C
100.	Hamakua Source Development, Hawaii Plans and construction for incremental development of a water system including deep well source, pipeline, booster pump stations, and storage facilities.	LH0301						
	Design				4			4
	Construction				76			76
	Total Funding			COH	80C		C	80C
101.	Hamakua Trunk Line Development, Hawaii Plans and construction for incremental development of the water system including plans and improvement of the transmission mains.	LH0302						
	Construction				25			25
	Total Funding			COH	25C		C	25C

102.	Street Lights, 3rd Representative District, Hawaii LH0303 Plans and construction for installation of street lights in the third representative district, Hawaii.	COH	20 20C	C	20 20C
	Construction				
	Total Funding				
103.	Kuakini Highway-Hualalai Road Traffic Signal Lights, Hawaii LH0401 Plans and construction of traffic control signal lights at the intersection of Kuakini Highway and Hualalai Road in Kailua-Kona.	COH	15 35 50C	C	15 35 50C
	Design				
	Construction				
	Total Funding				
104.	South Kona Water System Extension, Hawaii LH0402 Plans and construction for incremental development of a water system, including source development, pipelines, booster pump stations, storage facilities and land and source acquisition from Captain Cook to Napoopoo.	COH	200 200C	C	200 200C
	Construction				
	Total Funding				
105.	Cultural Center, Hawaii LS0113 Design and construction for a cultural center on the corner of Mohouli Street and Komohana Street, Hilo, Hawaii. To be supplemented from Act 226, SLH 1976, Sec. 91F, Item 1-M-1; Act 9, SSLH 1977, Sec. 2, Item 1-W-10; and Act 244, SLH 1978 Sec. 2, Item 1-W-4.	COH	31 31C	C	31 31C
	Construction				
	Total Funding				



Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	APPROPRIATIONS (\$1,000's)		Total Bjennum 1979-81 F
					FY 1979-80 F	FY 1980-81 F	
106.	Easter Seal Society for Crippled Children and Adults of Hawaii, Hilo, Hawaii Design, construction, equipment and appurtenances for new Easter Seal facilities. Unexpended balances from Act 9, SSLH 1977, Sec. 2, Item 1-W-24; and Act 244, SLH 1978, Sec. 2, Item 1-W-3 shall be used. Grant-in-aid.	LS0114			50 50C	C	50 50C
107.	Gymnasium Complex, Keaukaha, Hawaii Plans and construction for a gymnasium complex in Keaukaha, Hilo, Hawaii.	LS0115		COH	50 50C	C	50 50C
108.	Hilo Civic Auditorium, Hilo, Hawaii Expansion of existing facilities including renovation work.	LS0116		COH	50 50C	C	50 50C
109.	Hilo Downtown Improvements, Hawaii Land acquisition, planning, design and construction for improvements and other appurtenances related to the Hilo downtown development districts. To be supplemented from Act 226, SLH 1976, Sec. 91E, Item I-N-6 and Sec. 91F, Item I-N-1; Act 9, SSLH 1977, Sec. 2, Item 1-W-21; and Act 244, SLH 1978, Item 1-W-12.	LS0117		COH	8 42 50C	C	8 42 50C
	Construction Total Funding			COH	26 26C	C	26 26C

110.	Hilo Palm Garden, Hilo, Hawaii Design and construction of a palm garden to include a wide variety of the palm species.	LS0118							
	Construction							20	20C
	Total Funding							20C	
111.	Ka'u Community Center Renovation, Naalehu, Hawaii Design and construction for renovation of existing community center in Naalehu.	LS0119							
	Construction							20	20C
	Total Funding							20C	
112.	Kau Public Safety Building, Hawaii Plans, land acquisition and construction for public safety building in Kau District. Supplements prior appropriations.	LS0120							
	Construction							25	25C
	Total Funding							25C	
113.	Keau-Paho Trunk Line, Puna, Hawaii Design and construction for the development, including groundwater source, storage facilities, connection lines and incremental construction of trunk lines. Unexpended balances from Act 244, SLH 1978, Sec. 2, Item I-WW-4 shall be used to supplement this appropriation.	LS0121							
	Construction							50	50C
	Total Funding							50C	
114.	Keaukaha-Panaewa Gymnasium Complex, Keaukaha, Hawaii Design and construction of Keaukaha-Panaewa Gymnasium complex in Keaukaha to replace Kawanakoa Hall.	LS0122							
	Construction							50	50C
	Total Funding							50C	

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agy.	FY 1979-80		FY 1980-81		Total Biennium 1979-81
				M O	F	M O	F	
115.	Kehena Ditch Water Project, Hawaii Land acquisition, design and construction for development, including pumps, pipelines and storage facilities at the Kehena Ditch water source. To be supplemented by prior appropriations.	LS0123		160	160C		C	160 160C
	Construction		COH					
	Total Funding							
116.	Multi-Purpose Building, Waimea Park Complex Land acquisition, design, construction and equipment for recreational, senior citizen program, community and other use. Building to include full kitchen and other related space equipment. To be supplemented from Act 244, SLH 1978, Sec. 2, Item I-W-28.	LS0124		50	50C		C	50 50C
	Construction		COH					
	Total Funding							
117.	Pahoa Playground, Hawaii Construction of park facilities in Puna District. Supplements prior appropriations.	LS0125		25	25C		C	25 25C
	Construction		COH					
	Total Funding							
118.	Puna Parks, Puna, Hawaii Design and construction for improvements to Puna Parks in the Puna District.	LS0126		35	35C		C	35 35C
	Construction		COH					
	Total Funding							

119.	LS0127	Saddle Road, Hawaii Design and construction for realignment, widening, and resurfacing of the existing Saddle Road. To be supplemented from Act 226, SLH 1976, Sec. 91F, Item I-B-3 and Act 9, SSLH 1977, Sec. 2, Item I-W-6.	COH	10 10C	C	10 10C
		Construction				
		Total Funding				
120.	LS0128	Study for Transportation and Use of Agricultural Waste in Land Reclamation, Hawaii Engineering economic feasibility study regarding transportation of soil, organic matter from Hilo Coast Processing Company's mill at Pepekeo, Hawaii to the Hilo-Panaewa area. To be matched by County of Hawaii.	COH	25 25C	C	25 25C
		Plans				
		Total Funding				
121.	LS0129	Waipio Valley Improvements, Hamakua, Hawaii Design and construction of necessary improvements to roads and streambeds in Waipio Valley.	COH	50 50C	C	50 50C
		Construction				
		Total Funding				
122.	LS0135	Preservation of Old Police Station, Hilo, Hawaii Grant-in-aid to the East Hawaii Cultural Council for the restoration and preservation of the old police station in Hilo, County of Hawaii. (To be expended by the County of Hawaii)	COH	50 50C	C	50 50C
		Construction				
		Total Funding				

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agy.	FY 1979-80		FY 1980-81		Total Biennium 1979-81
				M C	F	M C	F	
	County of Maui							
123.	Keanae Water Project, Maui Plans and construction for the Keanae Water Project.	LH0501						
	Construction			100				100
	Total Funding		COM	100C		C		100C
124.	Haiku Water Project, Maui Plans and construction of a 10,000 gallon water tank and a 3-inch water transmission line from Holokai and Kapakalua Road to Kapakalua and Hana Highway.	LH0550						
	Plans			5				5
	Construction			45				45
	Total Funding		COM	50C		C		50C
125.	Kahului Convention Center, Maui Land acquisition, engineering study, plans and construction for a large meeting hall with kitchen facilities, equipment and other appurtenances. Supplements prior appropriation.	LH0551						
	Design			50				50
	Total Funding		COM	50C		C		50C
126.	Maui County Energy Self-Sufficiency Program, Phase II, Maui Plans for project up-date, public participation, and feasibility study.	LH0552						
	Plans			15				15
	Total Funding		COM	15C		C		15C

127.	Kahoma Stream Flood Control, Lahaina, Maui Plans and construction for the Kahoma Stream flood control. May be matched by federal funds.	LH0601				
	Design					1
	Construction					4
	Total Funding					5C
			COM		C	
128.	Kaunakakai-Pukoo Water Project, Molokai Plans and construction for incremental develop- ment of water systems including plans, source studies and investigations, land acquisition and construction of pipelines, reservoirs, pumping faci- lities, treatment plants, source development and other appurtenances.	LH0602				
	Construction					90
	Total Funding					90C
			COM		C	
129.	East End Fire Sub-Station, East Molokai Land acquisition, design, construction and equip- ping of fire sub-station.	LH0650				
	Land Acquisition					20
	Design					4
	Construction					36
	Total Funding					60C
			COM		C	
130.	Honolua Watershed Project Maui Design and construct improvements for soil and water conservation project at Honolua, Maui	LS0208				
	Construction					100
	Total Funding					100C
			COM		C	
131.	Day Care Center, Maui Design and construct a day care center to supple- ment prior appropriations in Act 9, SLH 1977, Section 2, Item II-V-1, Act 244 SLH 1978 Section 2 Item II-V-1.	LS0209				
	Construction					50
	Total Funding					50C
			COM		C	

APPROPRIATIONS (\$1,000's)

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Exp. Agy.	FY 1979-80 F	M O	FY 1980-81 F	M O	Total Biennium 1979-81 F
132.	Kula Community Center, Maui Design and construct a community center at Kula Maui to supplement prior appropriation in Act 244 SLH 1978, Section II, item II-V-7.	LS0210			97				97
	Construction				97C				97C
	Total Funding								
133.	Water System Development, Maui County Districts Design and construction for incremental development of water systems of Kula, Haiku-Makawao, Hana, Kaunakakai-Ualapue-Pukoo-Waialua water projects.	LS0215		COM	100				100
	Construction				100C				100C
	Total Funding								
	County of Kauai		SUB	501					
134.	Waimea Sewerage System, Kauai Plans, construction and right of way acquisition of a sewerage system. Unexpended balances from Act 9, SLH 1977, item IV-4-9 may be used for this project.	LH2701							
	Construction				1				1
	Total Funding				1C				1C
135.	Economic Development Plan, Kauai To provide funds to the office of economic development to prepare Phase II of the Kauai Economic Development Plan.	LH2702		COK	75				75
	Plans				75C				75C
	Total Funding								

136.	Koloa-Poipu By-Pass Road, Kauai Plans and construction of a by-pass roadway between Koloa and Poipu. Plans Total Funding	LH2703	COK	105 105C	105 105C
137.	County General Plan Review and Revisions, Kauai To provide funds for the review, revision, and update of the county general plan. Plans Total Funding	LH2704	COK	50 50C	50 50C
138.	Weliweli Subdivision Playground, Kauai Plans and development of a neighborhood park at Weliweli sub-division. Construction Total Funding	LH2705	COK	75 75C	75 75C
139.	Kealia Beach Park, Kauai Plans, construction and acquisition of land for a park at Kealia Beach Plans Construction Total Funding	LH2706	COK	10 90 100C	10 90 100C
140.	Kapaa Water System, Kauai Plans and construction to the Makaleha Exploratory Well to include drilling, testing, construction of a pump and electrical controls, connecting pipeline and appurtenances. Design Construction Total Funding	LH2707	COK	25 125 150C	25 125 150C



Item No.	Program and Capital Project	Cap. Proj. No.	Exp. Agy.	APPROPRIATIONS (\$1,000's)				Total Biennium 1979-81 F
				FY 1979-80 F	FY 1980-81 F	M O	M O	
141.	Lihue Water System, Kauai Construction of a storage tank and connecting main Plans Construction Total Funding	LH2708		90 44 134C			90 44 134C	
142.	Mana Drag Strip Improvement Project, Kauai Plans and construction for general improvements to the Mana Drag Strip. Construction Total Funding	LS0805	COK	30 30C	C		30 30C	
143.	Lihue Business District, Kauai Plans, design, construction to alleviate parking congestion. Construction Total Funding	LS0806	COK	50 50C	C		50 50C	
144.	Hanapepe — Eleele Sewerage System, Kauai Plans and construction of a sewerage system in the Hanapepe-Eleele area. Construction Total Funding	LS0811	COK	109 109C	C		109 109C	

SECTION 121. Provided, that the sums appropriated for the Aloha Tower Complex (PED 105, HISA 1) shall not be allotted prior to the review and approval of the project by the 1980 Regular Session of the Legislature; provided further, that the Office of the Legislative Auditor review the project's feasibility and submit a report at least twenty days prior to the convening of the 1980 Regular Session of the Legislature.

SECTION 122. Item III-C-2, Section 91F of Act 226, Session Laws of Hawaii 1976 is amended to read as follows:

- "2. Mokauea Island, Oahu  
 Plans and construction for installation of a waterline  
 from Sand Island to Mokauea Island. 35,000"

SECTION 123. The sums of money appropriated or authorized for capital projects with capital project numbers beginning with "LH" or "LS" include plans, land, design, construction, and necessary equipment.

SECTION 124. Section 86, of Act 10, Special Session Laws of Hawaii 1977, as amended by Act 243, Session Laws of Hawaii 1978, is amended by modifying the scope or expenditure pattern of Item K-21 enumerated therein. Nothing in this section shall affect the continuing effectiveness of those projects enumerated in Section 86, Act 10, Special Session Laws of Hawaii 1977, as amended by Act 243, Session Laws of Hawaii 1978, but not listed below. The Act 10 project and the modification is as follows:

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID No.	Exp. Agy.	FY 1977-78	FY 1978-79	Total Biennium 1977-79
					M O F	M O F	M O F
"21.	State Capitol Air Condition System Improvement. Improve air conditioning system including the re- placement of equipment and work on the pool.	B17		AGS			
	Design					63	63
	Total Funding			C		63C	63C"

**SECTION 125.** Section 5, of Act 243, Session Laws of Hawaii 1978, is amended by modifying the scope or expenditure pattern of Item G-87 enumerated therein. Nothing in this section shall affect the continuing effectiveness of those projects enumerated in Section 5, Act 243, Session Laws of Hawaii 1978, but not listed below. The Act 243 project and the modification is as follows:

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID Exp. Org. No.	AGY.	FY 1977-78	FY 1978-79	Total Biennium 1977-79
					M O F	M O F	M O F
87.	Waialea Livestock Research Facilities, Oahu, University of Hawaii Plans, construction and equipment for improvements to livestock and feed facilities, including renovations to existing facilities and/or construction of new facilities. The expenditure of state funds would be subject to the availability of federal funds.	669	UOH 102	AGS			
	Construction					700	700
	Total Funding				C	700C	700C

**SECTION 126.** Section 6 of Act 226, Session Laws of Hawaii 1976, is amended by modifying the scope or expenditure pattern of Item B-2 enumerated therein. Nothing in this section shall affect the continuing effectiveness of those projects enumerated in Section 6, Act 226, Session Laws of Hawaii 1976. The Act 226 project and the modification is as follows:

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID No.	Exp. Agy.	FY 1977-78	FY 1978-79	Total Biennium 1977-79
					M O F	M O F	M O F
"2.	Leeward Workshop for the Handicapped Plans, land acquisition, design, construction, and equipment for a workshop to provide work evaluation, work adjustment training, sheltered employment and related services to handicapped persons of Leeward Oahu.	507					
	Land Acquisition				75		75
	Design				7		7
	Construction				527		527
	Total Funding			C		609C	609C"

**SECTION 127.** Section 5, of Act 243, Session Laws of Hawaii 1978, is amended by modifying the scope or expenditure pattern of Item K-25 enumerated therein. Nothing in this section shall affect the continuing effectiveness of those projects enumerated in Section 5, Act 243, Session Laws of Hawaii 1978, but not listed below. The Act 243 project and the modification is as follows:



Item No.	Program and Capital Project	Cap. Proj. No.	Program ID Org. No.	Exp. Agy.	FY 1977-78	FY 1978-79	Total Biennium 1977-79
					M O F	M O F	M O F
"25.	Waikiki Improvements, Oahu Land acquisition, plans and construction for im- provements to Waikiki to include underground util- ity wiring, Kalakaua sidewalk redevelopment and beautification, mini-park acquisition, storm drain- age, and miscellaneous traffic improvements.	E35	SUB 201				
	Land Acquisition					375	375
	Design					275	275
	Construction					1,850	1,850
	Total Funding			CCH	C	2,500C	2,500C"

SECTION 128. Any law or any provision to the contrary notwithstanding, the encumbrance balance on June 30, 1980 of capital improvement appropriations from the general obligation bond fund made prior to January 1, 1979 shall not exceed the sum of \$110,000,000.

SECTION 129. Provided, that of the \$5,000,000 in capital investment appropriations authorized in Part III and listed in Part V of this Act to Organized Research — UOH Manoa (UOH 102), the following sums shall be expended by the Hawaii Natural Energy Institute: \$300,000 for assessment of geothermal resources; \$2,600,000 for OTEC facilities; \$300,000 for biomass projects; \$1,300,000 for wind energy conversion programs; \$350,000 for solar energy conversion systems programs; and \$150,000 for other energy programs.

SECTION 130. Provided, that the capital investment appropriation of \$1,862,000 authorized in Part III and listed in Part V of this Act for Land Use, Statewide Plan and Coordination (PED 103) shall be expended for the Kakaako Community Development District pursuant to Chapter 206E of the Hawaii Revised Statutes; except that State funds shall be reduced to the extent that federal and other non-state funds are made available. A report of project status and total redevelopment cost to the State, including the application of all prior appropriation expenditures and future appropriation requests, shall be made to the legislature twenty days prior to the convening of the 1980 Regular Session of the Legislature.

## PART VI. ISSUANCE OF BONDS

SECTION 131. GENERAL OBLIGATION BONDS. General obligation bonds may be issued as provided by law to yield the amount that may be necessary to finance projects authorized in Part III and listed in Part V 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 \$142,096,000.

SECTION 132. AIRPORT REVENUE BONDS. The Department of Transportation is authorized to issue airport revenue bonds for airport capital investment projects authorized in Part III and listed in Part V of this Act and designated to be financed by revenue bond funds or by general obligation bond fund with debt service cost to be paid from special 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 increase reserves for the airport revenue bonds and 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, 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 III where the method of financing is designated to be by airport revenue bond funds.

**SECTION 133. HARBOR REVENUE BONDS.** The Department of Transportation is authorized to issue harbor revenue bonds for harbor capital investment projects authorized in Part III and listed in Part V of this Act and designated to be financed by general obligation bond fund with debt service cost to be paid from special 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 harbor revenue bonds and to pay the expenses of issuance of such bonds. The aforementioned harbor 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 harbor 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 harbors and related facilities under the ownership of the State or operated and managed by the department, including rents, mooring, wharfage, dockage and pilotage fees, and other fees or charges presently or hereafter derived from or arising through the ownership, operation, and management of harbors and related facilities and the furnishing and supplying of the services thereof. The expenses of the issuance of such harbor revenue bonds shall to the extent not paid from the proceeds of such bonds be paid from the harbor special fund.

## **PART VII. SPECIAL PROVISIONS**

**SECTION 134.** Sand Island income from land 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 moneys appropriated for the operation of the University of Hawaii under Part III of this Act. Sand Island income from other lands and facilities, other than those set aside for Harbors or Foreign Trade Zone purposes, shall be deposited into the general fund.

**SECTION 135.** 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, 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 III 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, 1979 to June 30, 1981. 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 136.** 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 Director of Finance, if so delegated by the Governor, shall transfer the necessary funds and positions to the proper expending agency, provided that a report for all such transfers shall be made to the legislature by February 1 of the following calendar year.

**SECTION 137.** All grants to private organizations in this Act are made in accordance with the standard that the private programs so funded yield direct benefits to the public and accomplish public purposes. No grant, subsidy, or purchase of service contract to a private organization for which an appropriation has been provided in this Act shall be made or allotted unless the private organization so funded agrees to the following conditions:

- (1) To comply with all applicable federal and State laws prohibiting discrimination against any person, on the grounds of race, color, national origin, religion, creed, sex, or age, in employment and any condition of employment with the recipient or in participation in the benefits of any program or activity funded in whole or in part by the State;
- (2) To comply with all applicable licensing requirements of the State and federal governments, and with all applicable accreditation and other standards of quality generally accepted in the field of the recipient's activities;
- (3) To have in its employ or under contract such persons as are professionally qualified to engage in the activity funded in whole or in part by the State;
- (4) To comply with such other requirements as the Director of Finance may prescribe to ensure adherence by the provider or recipient with federal and State laws and to ensure quality in the service or activity rendered by the recipient; and
- (5) To allow the expending or related state agency; the finance committees of the House and the Senate; and the Legislative Auditor, full access to records, reports, files, and other related documents in order that they may monitor and evaluate the management and fiscal practices of the recipient organization to assure proper and effective expenditure of State funds.

**SECTION 138.** No appropriation authorized in this Act shall be considered to be a mandate, under Article VIII, Section 5, of the State Constitution, for a political subdivision to undertake new programs or to increase the level of services under existing programs of that political subdivision. If any appropriation authorized in this Act falls within the provisions of Article VIII, Section 5 of the State Constitution, such authorization shall be void, and in the case of capital improvement appropriations designated to be financed from the general obligation bond fund, the total general obligation bonds authorized under this Act in Part VI shall be correspondingly decreased.

**SECTION 139.** In allotting funds for social welfare programs and other programs and agencies having appropriations which are based on population and work-

load data as specified in the executive budget document, 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, 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. Except that if the Department of Social Services and Housing is able to reduce the Aid to Families with Dependent Children (SOC 201) caseload by means of a training and employment demonstration project, the savings to the general fund, or such portion thereof as is needed, may be used to provide the state's matching for federal funds generated by the demonstration project. 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 therefore was based, the agency is authorized to submit a deficiency appropriation request to the extent and on such basis as may be prescribed by the Director of 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 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.

SECTION 140. With the approval of the Director of Finance, the Department of Health may transfer to the Department of Social Services and Housing funds appropriated to the Department of Health for the care and treatment of patients 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/or skilled nursing home care and to pay the Department of Health for such care. With the approval of the Director of Finance, the Department of Health may deposit part of such receipts into the appropriations from which transfers were made.

SECTION 141. Unless otherwise provided in this Act, the Governor is authorized to transfer funds between appropriations within an expending agency for research and development and operating purposes; provided, that prior to effecting any transfer, the Governor shall obtain the approval of the President of the Senate and the Speaker of the House of Representatives; and provided, that such transfer shall not be made to implement any collective bargaining contract signed after this legislature adjourns sine die.

SECTION 142. Where a program is financed by the general fund as well as by a 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 the preceding requirements shall not apply if the excess receipts are to be expended for a

purpose or purposes of the program approved by the Governor or the Director of Finance if such authority is so delegated by the Governor.

SECTION 143. For the fiscal biennium 1979-81, where a program is authorized under Part III of this Act to expend from a revolving, special, or trust fund, 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 in excess of the amount indicated in Part III are approved by the Governor or by the Director of Finance if so delegated by the Governor; and provided, further, that such expenditure shall not exceed the amounts available in such funds.

SECTION 144. The Governor is hereby authorized to establish 20 permanent positions during each fiscal year of the fiscal biennium 1979-81 to be allocated by him to any of the program areas included in this Act as he shall deem proper. No positions shall be established under this section to implement any collective bargaining agreement signed after this legislature adjourns sine die.

SECTION 145. Any provision of law to the contrary notwithstanding the Governor is authorized to utilize an appropriate portion of such sums included in the respective program appropriation in Part III of this Act for personal services, for salary increases for public officers and employees excluded from collective bargaining under Chapter 89, Hawaii Revised Statutes; provided that said increases shall not exceed and shall not take effect earlier than increases for comparable members of collective bargaining units.

SECTION 146. Where any agency is able to secure funds or other property from private organizations or individuals, to be expended or utilized in connection with any program authorized by this Act, the Governor or agency with the Governor's approval shall have the power to enter into each undertaking.

SECTION 147. In the event the State should assume the direct operation of any non-governmental agency receiving State funds under the provisions of this Act, all such funds shall constitute a credit to the State against the costs of acquiring all or any portion of the property, real, personal, or mixed, of such non-governmental agency. The credit shall be applicable regardless of when such acquisition takes place.

SECTION 148. Any law or any provision of this Act to the contrary notwithstanding, all appropriations for capital improvement projects made to be expended in fiscal year 1979-80 which are unencumbered as of June 30, 1982 shall lapse as of that date, and provided further, that the lapsing date shall not apply to projects necessary to qualify for federal aid financing and reimbursement if the legislature redetermines that such projects are essential.

SECTION 149. If general obligation bond proceeds have been allocated to an appropriation which may be satisfied from general obligation bond proceeds and the amount of such proceeds so allocated is in excess of the amount needed to satisfy such appropriation, the amount of such excess proceeds shall be transferred to a separate account and allocated to the satisfaction of other appropriations which may be satisfied from general obligation bond proceeds made in the same or any other act of the legislature; provided that a report of such allocations for the period ending

December 31 of each calendar year shall be made to the legislature by February 1 of the following calendar year.

**SECTION 150.** The designated expending agency for capital investments authorized in this Act is authorized to delegate to other state or county agencies the acquisition of land, design, and construction of such projects when it is determined by such agency that it is advantageous to do so; provided that a report of all such delegations for the period ending December 31 of each calendar year shall be made to the first Regular Session of the Legislature convened after such delegations have been made.

**SECTION 151.** All general obligation bond funds used for highway, harbor, boating, airport or land development capital investment purposes, designated by the letter (D), shall have the bond principal and interest reimbursed from the State highway fund, the harbor special fund, the boating special fund, the airport revenue fund, or the special land and development fund, respectively. Bonds issued for irrigation projects shall be reimbursed, as provided by Section 174-21, Hawaii Revised Statutes.

The Governor is authorized to use, at his discretion, the State highway fund, the harbor special fund, the boating special fund, the airport revenue fund or the special land and development fund to finance the respective highway, harbor, boating, airport or land development projects authorized in this Act, where the method of financing is designated to be general obligation bond fund with debt service cost to be paid from special funds.

**SECTION 152.** Where county capital improvement projects are partially or totally funded by State funds as authorized in this Act or any other act of the legislature, this fact should be appropriately acknowledged during construction and upon completion of these projects.

**SECTION 153.** 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 154.** Any law or any provision to the contrary notwithstanding, the Governor may, with the prior concurrence of the President of the Senate and the Speaker of the House of Representatives, supplement funds for any early-phased cost element (design or land) for a capital improvement project authorized under this Act by transferring such sums as may be needed from the funds appropriated for later-phased cost elements (land or construction) for the same project authorized by the legislature in this Act or in a prior year or which may be authorized by the legislature in the future, provided that the total expenditure of funds for all cost elements for the project shall not exceed the total appropriations for that project.

**SECTION 155.** All unrequired balances after the objectives of appropriations made in this Act for capital investment purposes from the general obligation bond fund have been met shall be transferred to the project adjustment fund appropriated in Part III of this Act and shall be considered a supplementary appropriation thereto.

In the event that the amount specified for a capital investment project listed in this Act or authorized by the legislature in a prior year or in the future 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 III; provided that such supplemental allotments from the project adjustment fund 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 for the period ending December 31 of each calendar year shall be made to the legislature by February 1 of the following calendar year.

Any provision in this Act to the contrary notwithstanding, supplemental allotments from the project adjustment fund may be made for any capital investment cost element.

SECTION 156. In the event that the amount specified for a capital investment project listed in this Act 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 bond fund, the Governor may make supplemental allotments from the special fund responsible for cash or debt service payments for the projects or transfer unrequired balances from other projects in this or prior appropriation acts which authorized the use of special funds, general obligation bond fund with debt service costs to be paid from special funds, or revenue bond fund; 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 of each calendar year shall be made to the legislature by February 1 of the following calendar year.

SECTION 157. The Governor may authorize the expenditure of funds for capital investment projects not previously authorized in this Act to cope with unforeseen emergencies arising from elements such as fires and natural disasters which create an urgent need to pursue a course of action which is in the best interest of the State.

SECTION 158. General revenues of the State of Hawaii may be expended by the Governor to cope with unemployment and unforeseen emergencies arising from elements such as fires and natural disasters; provided, that the unemployment, or such emergencies create an urgent need to pursue a course of action which is in the best interest of the State; provided, that the Governor may authorize an increase in repairs and maintenance activities on State facilities to alleviate the unemployment and cope with such emergencies. To accomplish the purpose of this section, the Governor is authorized to transfer to the Building, Repair and Alterations (AGS 233) and Physical Plant Operations and Maintenance (AGS 807) programs up to \$5,000,000 in savings as may be available from the appropriations authorized in Part III of this Act. A report of such expenditures or transfers for the period ending December 31 of each calendar year shall be made to the Legislature by February 1 of the following calendar year.

SECTION 159. 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 capital investment project described in this Act, 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 160.** In releasing funds for projects, the Governor shall consider the legislative intent and the objectives of the user agency, its programs, the scope and level of the user agency's intended services; the means, efficiency, and economics by which the project will meet the objectives of the 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 the user agency in the most efficient and economical manner possible.

**SECTION 161.** Any law or any provision to the contrary notwithstanding, the term "savings" as used in this Act shall mean unexpended appropriation balances from programs authorized in Part III of this Act remaining after the objectives of the appropriations have been met.

**SECTION 162.** Provided, that state agencies using consultant services for special studies, systems analysis, master plans and the like shall, when consultant reports are published, identify the cost of the study on the title page or some other prominent page; provided further, that the terms of the consultant contract for the study and all amendments thereto shall be provided to the House Finance and Senate Ways and Means Committees and the Legislative Reference Bureau Library.

**SECTION 163.** Any law or any provision to the contrary notwithstanding, reclassifications or reallocations of positions authorized in Part III of this Act shall not result in salary increases of more than two steps nor shall the increase exceed 10 per cent.

## **PART VIII. MISCELLANEOUS AND EFFECTIVE DATE**

**SECTION 164. MISCELLANEOUS.** 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 165.** In the event manifest clerical, typographical or other mechanical errors are found in this Act, the Governor is hereby authorized to correct such errors. All changes made pursuant to this section shall be reported to the legislature at its next session.

**SECTION 166.** Statutory material to be repealed is bracketed. New material is underscored.\*

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\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

SECTION 167. EFFECTIVE DATE. This Act shall take effect on July 1, 1979.

Except as noted above, approved June 9, 1979. For items excepted, see pages 457, 467, 470, 488, 495, 498, 509, 555, 601, 613, 617, 632, and 664.

## ACT 215

H.B. NO. 988

A Bill for an Act Relating to Arson Investigation.

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

SECTION 1. Chapter 132, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“Sec. 132- Investigation of fires; immunity for information received from insurers.** (a) The fire chief of each county may require any insurer in writing to release information relating to any investigation the insurer has made concerning a loss or potential loss due to fire of suspicious or incendiary origin which information shall include but not be limited to:

- (1) An insurance policy relating to such loss;
- (2) Policy premium records;
- (3) History of previous claims; and
- (4) Other relevant material relating to such loss or potential loss.

(b) If any insurer has reason to suspect that a fire loss to its insured's real or personal property was caused by incendiary means, the insurer shall furnish the county fire chief with all relevant material acquired during its investigation of the fire loss, cooperate with and take such action as may be required of it by the county fire chief, and permit any person ordered by the court to inspect any of its records pertaining to the policy and the loss. Such insurer may request the county fire chief to release information relating to any investigation he has made concerning any such fire loss of suspicious or incendiary origin.

(c) In the absence of fraud, malice, or criminal act, no insurer or person who furnishes information on its behalf, shall be liable for damages in a civil action or be subject to criminal prosecution for any oral or written statement made that is necessary to supply information required pursuant to this section.

(d) The county fire chief receiving any information furnished pursuant to this section shall hold the information in confidence until such time as its release is required in furtherance of a criminal or civil proceeding.

(e) The county fire chief, in person or by officers or members of his fire department, may be required to testify as to any information in his possession regarding the fire loss of real or personal property in any civil action in which any person seeks recovery under a policy against any insurance company for the fire loss.”

SECTION 2. New statutory material is underscored.\*

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

(Approved June 18, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

A Bill for an Act Relating to the Administrative Procedure Act.

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

SECTION 1. Nationally, there is a move among state legislatures to achieve legislative oversight concerning executive rule making which is based upon laws enacted by the legislature. To date, at least twenty-four states have obtained such legislative oversight through various means. The legislature finds that there are on file at least 7,000 pages of active administrative rules in the office of the lieutenant governor. In addition, about 1,000 pages are filed every year consisting of amendments and new rules. The legislature finds that the drafting of administrative rules by the executive branch implements statutes enacted by the legislature and that such implementation should be subject to scrutiny by the legislature to determine if the rules meet the substance of the statute drafted by the legislature.

The legislature further finds that in implementing a general statute the substance of such statute may be contravened. If the executive branch adopts a rule contrary to statute, it usurps the policy-making function of the legislature; however, if the legislature is not informed of such usurpation remedial action cannot be taken. While the legislature realizes that all rules are reviewed by the attorney general prior to approval by the governor and that such substantive violations should be determined at that point, the legislature finds that the attorney general acts for the executive branch and the attorney general's determination cannot be substituted for a separate determination by the legislative branch of possible violation of its policy-making powers through the enactment of substantive law. The legislature also realizes that a rule that violates substantive law is a nullity and can be so proved in court. The legislature finds, however, that while such a rule is on the books, persons will be following that rule in many instances without questioning its validity. Such a situation could continue for many years until challenged. Legislative review of such rules would provide for an early determination in such instances and will ensure there is no unintended usurpation of the policy-making functions of the legislature.

The legislature further finds that rule-making is an essential and critical activity, since it is through rules that definition and specification are gained, and that the rule-making process can effectively determine priorities and prescribe conduct for citizens and administrators. In view of the importance of rules, the lack of an easily accessible and uniform index is serious and constitutes a major need.

The purposes of this Act are to provide for legislative review of executive rules for the purpose of determining if the rules or amendments thereto violate the substantive law under which they were adopted, and to establish a uniform format and an index for such rules, with the index to be published in such a manner to ensure maximum citizen access and use.

SECTION 2. Chapter 91, Hawaii Revised Statutes, is amended by adding four new sections to be appropriately designated and to read as follows:

“Sec. 91- Review of rules. (a) Each state agency adopting, amending, or repealing a rule, after approval thereof by the governor, shall submit certified copies

thereof, which shall be drafted according to the Ramseyer format, to the legislative auditor.

(b) The office of the legislative auditor shall review each rule and rule amendment submitted by a state agency under this section to determine if the rule or amendment violates the substantive authority under which the rule or amendment was adopted. The office shall submit to each regular session of the legislature a report concerning its findings itemizing the agency and rules which may be in violation of the substantive authority under which the rule or amendment was adopted. The legislature shall take such action in response to the report as it finds appropriate and shall notify each agency or department whose rule is itemized in the report of the report's findings.

**Sec. 91- Rule format; publication of index.** The revisor of statutes shall:

- (1) Prescribe a format for the publication of rules by all state agencies. Among other things, the revisor shall provide for the manner and form, including size, in which the agency rules shall be prepared, printed, and indexed, to the end that all rules, compilations, and codifications shall be prepared and published in a uniform manner at the earliest practicable date. The format shall provide that each rule published shall be accompanied by a reference to the statutory authority pursuant to which the rule is adopted, the statutory section implemented by the rule, if any, and the effective date of the rule; and provide that whenever possible rules should incorporate any applicable sections of the Hawaii Revised Statutes by reference and not print the section in the rule.
- (2) Compile and publish an index to all rules required to be filed with the lieutenant governor with annual supplements.

**Sec. 91- Price.** (a) The lieutenant governor shall sell the Hawaii administrative rules index and its supplements at prices which as nearly as practicable will reimburse the State for all costs incurred for printing, publication, and distribution.

(b) All money received from the sale of the Hawaii administrative rules index and its supplements shall be deposited in the state general fund.

**Sec. 91- Form of publication.** The revisor of statutes shall determine the form in which the Hawaii administrative rules index and its supplements shall be published. Either or both of the publications may be issued in units, in bound or loose-leaf form, separately or in combination, at the same or different times, as the revisor considers most economical and best adapted to make the index available to interested persons and the public.”

SECTION 3. Section 23-4, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 23-4 Duties.** (a) The auditor shall conduct postaudits of all transactions and of all books and accounts kept by or for all departments, offices, and agencies of the State and its political subdivisions. The postaudits and all examinations to discover evidence of any unauthorized, illegal, irregular, improper, or unsafe handling or expenditure of state funds, or other improper practice of financial administration shall be conducted at least once in every two years after the close of a fiscal year, and at such other time or times during the fiscal year as he shall deem necessary or as

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may be required by the legislature for the purpose of certifying to the accuracy of all financial statements issued by the respective accounting officers and of determining the validity of expenditures of state or public funds.

(b) The auditor shall serve as liaison between the legislature and the federal government and shall report to the legislature at least annually on such matters as should be considered by the legislature pertaining to the relationship between the state and federal governments.

(c) The auditor shall review all rules submitted to it as provided in section 91-

(d) The auditor shall maintain and keep current a compilation of all rules and regulations adopted pursuant to chapter 91."

SECTION 4. Section 23G-12, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 23G-12 Duties.** In performing the function of statute revision and publication of session laws, and supplements, and replacement volumes, the duties of the revisor of statutes, in the order of priority shall be:

- (1) The publication of the session laws;
- (2) The publication of supplements to the revised statutes;
- (3) The publication of replacement volumes of the revised statutes;
- (4) The review of annotations to the revised statutes;
- (5) The continuous revision of the statutes of Hawaii;
- (6) The publication of the Hawaii administrative rules index and supplements thereto; and
- (7) The preparation of rules of format to be followed by all state agencies in the compilation and publication of their rules and the distribution of copies of the format rules to all state agencies."

SECTION 5. Section 91-5, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 91-5 Publication of rules.** (a) Each agency shall, as soon as practicable after January 2, 1962, compile, index, and publish, in the manner prescribed by the format established by the revisor of statutes under section 91- (1), all rules adopted by the agency and remaining in effect. Compilations shall be supplemented as often as necessary and shall be revised at least once every ten years. Within two years of the effective date of this section, each agency shall have compiled and published all of its rules in effect in the manner specified by the revisor of statutes' format rules.

(b) Each agency, as soon as practicable after July 1, 1979, shall provide to the office of the legislative auditor free of charge, a current compilation of all rules adopted by the agency and in effect as of July 1, 1979.

(c) Compilations and supplements shall be made available free of charge upon request by the state officers in the case of a state agency and by the county officers in the case of a county agency. As to other persons each agency may fix a price to cover mailing and publication costs. Each state agency adopting, amending, or repealing a rule shall file forthwith a copy with the revisor of statutes."

SECTION 6. All state agency rules existing on the effective date of this Act shall be reviewed by the legislative auditor as soon as practicable.

SECTION 7. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 8. This Act shall take effect upon its approval.

(Approved June 21, 1979.)

## ACT 217

S.B. NO. 695

A Bill for an Act Relating to the Elevator Mechanics Licensing Board.

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

SECTION 1. Section 26H-4, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 26H-4 Repeal dates.** [(a) The following chapters are hereby repealed effective December 31, 1978:

- (1) Chapter 448A (Escort Agencies)
- (2) Chapter 462 (Board of Photography)]

[(b)] (a) The following chapters are hereby repealed effective December 31, 1979:

- (1) Chapter 437 (Motor Vehicle Industry Licensing Board)
- (2) Chapter 440 (Boxing Commission)
- (3) Chapter 443 (Collection Agencies Board)
- (4) Chapter 446D (Degree Granting Institutions)
- [(5) Chapter 448H (Elevator Mechanics Licensing Board)]
- [(6)] (5) Chapter 467A (Rental Agencies)
- [(7)] (6) Chapter 452 (Board of Massage)

[(c)] (b) The following chapters are hereby repealed effective December 31, 1980:

- (1) Chapter 436 (Board of Examiners for Abstract Makers)
- (2) Chapter 439 (Board of Cosmetology)
- (3) Chapter 447 (Dental Hygienists)
- (4) Chapter 463 (Board of Private Detectives and Guards)
- (5) Chapter 468J (Travel Agencies)
- (6) Chapter 471 (Board of Veterinary Examiners)
- (7) Chapter 438 (Board of Barbers)

[(d)] (c) The following chapters are hereby repealed effective December 31, 1981:

- (1) Chapter 441 (Cemetery Board)
- (2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
- (3) Chapter 457B (Board of Examiners of Nursing Home Administrators)
- (4) Chapter 458 (Board of Dispensing Opticians)
- (5) Chapter 459 (Board of Examiners in Optometry)
- (6) Chapter 465 (Board of Certification for Practicing Psychologists)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

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(7) Chapter 468E (Board of Speech Pathology and Audiology)

[(e)] (d) The following chapters are hereby repealed effective December 31, 1982:

- (1) Chapter 436D (Board of Acupuncture)
- (2) Chapter 437B (Motor Vehicle Repair Industry Board)
- (3) Chapter 442 (Board of Chiropractic Examiners)
- (4) Chapter 448E (Board of Electricians and Plumbers)
- (5) Chapter 464 (Board of Registration of Professional Engineers, Architects, Surveyors and Landscape Architects)
- (6) Chapter 466 (Board of Public Accountancy)
- (7) Chapter 467 (Real Estate Commission)
- (8) Chapter 448H (Elevator Mechanics Licensing Board)

[(f)] (e) The following chapters are hereby repealed effective December 31, 1983:

- (1) Chapter 444 (Contractors License Board)
- (2) Chapter 448 (Board of Dental Examiners)
- (3) Chapter 453 (Board of Medical Examiners)
- (4) Chapter 457 (Board of Nursing)
- (5) Chapter 460 (Board of Osteopathic Examiners)
- (6) Chapter 461 (Board of Pharmacy)

[(g)] (f) The following chapters are hereby repealed effective December 31, 1984:

- (1) Chapter 455[, Hawaii Revised Statutes] (Board of Examiners in Naturopathy)
- (2) Chapter 463E[, Hawaii Revised Statutes] (Podiatry).''

SECTION 2. Section 448H-3, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 448H-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] seven members, three of whom shall be licensed elevator mechanics, [and the remaining] three others of whom shall be lay members, not connected or associated with the elevator or building industry, and one of whom shall be the branch manager of the technical inspection branch, division of occupational safety and health, department of labor and industrial relations. 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.’’

SECTION 3. Section 448H-4, Hawaii Revised Statutes is amended to read as follows:

“**Sec. 448H-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] Five members of the board shall constitute a quorum.”

SECTION 4. Section 448H-5, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 448H-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 396 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 regarding any complaint regarding job performance by mechanics, the rules and regulations of the board, or chapter 396 and the rules and regulations promulgated thereunder;
- (6) Register apprentice elevator mechanics;
- (7) Maintain a record of its proceedings;
- (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; and
- (9) Notify the department of labor and industrial relations of any fact or situation that, in the opinion of the board, constitutes a violation of chapter 396 or of any rule or regulation promulgated thereunder.”

SECTION 5. Statutory material to be deleted is bracketed. New material is underscored.

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

(Approved June 21, 1979.)



A Bill for an Act Relating to the Tax Review Commission.

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

SECTION 1. The purpose of this Act is to implement provisions of Article VII, section 3, of the state constitution to provide for the tax review commission.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
TAX REVIEW COMMISSION**

**Sec. -1 Establishment of the commission.** There shall be a tax review commission, hereinafter called the commission. The commission shall consist of seven members who shall be appointed by the governor with the advice and consent of the senate and shall be in the department of taxation for administrative purposes. The commission shall elect its chairperson from one of its members. The members shall receive no compensation for their services, but shall be reimbursed for actual expenses incurred in the performance of their duties.

The commission may enter into contracts with consultants and engage employees necessary to perform its duties without regard to chapter 76 or 77. Departments of the state government shall make available to the commission such data and facilities as are necessary for it to perform its duties.

**Sec. -2 Term.** The commission shall be appointed on or before July 1, 1980 and every five years thereafter. It shall meet from time to time as necessary to execute its duties. Upon completion of its duties, the commission shall dissolve.

**Sec. -3 Duties.** The commission shall conduct a systematic review of the State’s tax structure, using such standards as equity and efficiency. One hundred twenty days prior to the convening of the second regular session of the legislature after the members of the commission have been appointed the commission shall submit to the legislature an evaluation of the State’s tax structure and recommend revenue and tax policy.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$40,000, or so much thereof as may be necessary, for the purposes of this Act.

SECTION 4. The sum appropriated shall be expended by the department of taxation for the purposes of this Act beginning on the date of approval of this Act. Any unexpended or unencumbered balance of any appropriation made by this Act as of the close of business on June 30, 1981 shall lapse into the general fund.

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

(Approved June 21, 1979.)

A Bill for an Act Relating to Financial Institutions.

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

SECTION 1. Chapter 403, Hawaii Revised Statutes, is amended in the following respects:

(1) By amending section 403-23 to read:

**“Sec. 403-23 Application for authority to organize, fee; contents.** Any number of persons, not less than five, at least three of whom shall be residents of the State, may file an application with the director of regulatory agencies for authority to organize a bank. The applicants shall pay to the director at the time of their application a fee of \$1,000, which fee shall in no case be refunded. No persons shall organize a bank until written authority for that purpose has been obtained from the director. The application shall be in duplicate and shall specify to the extent then determined in regard to the proposed bank:

- (1) The proposed location; the amount of capital; the corporate name (the word “limited” not to be a part of the corporate name);
- (2) The names of the proposed subscribers to the capital stock and the amount of stock for which each will probably subscribe; the names of the persons, partnerships, associations, or corporations which propose to own or control more than one-half of the capital stock; the names of the proposed active officers and directors;
- (3) Evidence of the character, financial responsibility, experience, and ability of the incorporators, directors, and officers; evidence of the need and advisability of granting the authority;
- (4) Any other information which the director may require.”

(2) By amending section 403-55 to read:

**“Sec. 403-55 Procedure to open or maintain branch bank; application.** Any bank desiring to open and maintain a branch bank or change the location of an established branch shall file a petition in triplicate with the director of regulatory agencies of the State in a form approved by him and shall state:

- (1) The name of the bank;
- (2) The specific location of the proposed site of the branch bank office;
- (3) Facts showing that there is a reasonable assurance of sufficient volume of business so that the proposed branch is warranted;
- (4) Facts showing that the opening and maintenance of the proposed branch or change of location is justified;
- (5) Such other facts that the director may from time to time prescribe.

A petition for change of location shall be accompanied by a fee of \$150 and a petition for opening and maintaining a branch office shall be accompanied by a fee of \$500, which shall be deposited to the credit of the general fund of the State.

Upon receipt by the director of regulatory agencies of such petition he shall make an investigation of the conditions and facts contained in such petition pertinent thereto, and if in his judgment he is satisfied that the establishment of the proposed branch or change of location is justified he shall issue a certificate permitting the

organization and maintenance of such branch or change of location of a branch.”

SECTION 2. Chapter 407, Hawaii Revised Statutes, is amended in the following respects:

1. By amending section 407-11 to read:

“**Sec. 407-11 Application for authority to organize; fee.** Any five or more persons, of whom a majority shall be residents of the State, desiring to form a corporation to carry on the business of a building and loan association under this chapter, shall file with the bank examiner an application, in writing and under oath, for authority to organize such association. The applicants shall pay to the director of regulatory agencies at the time their application is filed a fee of \$1,000, which fee shall in no case be refunded. No person shall organize a building and loan association or circulate a stock subscription list for the organization of a building and loan association until written authority for that purpose has been obtained from the bank examiner.”

2. By amending section 407-41 to read:

“**Sec. 407-41 Branch offices and agencies; approval of bank examiner; content of application.** Each association shall be operated from the main office in the State. All branch offices and agencies shall be subject to direction from the main office. No association may establish or maintain a branch office or agency without the prior written approval of the bank examiner, except that temporary and incidental agencies may be created for individual transactions and for special temporary purposes without such approval. Each application for approval of the establishment and maintenance of a branch office or an agency shall state the proposed location, the need therefor, the functions to be performed therein, the estimated annual expense thereof, and the mode of payment therefor. Each application shall be accompanied by a budget of the association for the current dividend period and for the next succeeding semiannual period, which reflects the estimated additional expense of the maintenance of the branch office or agency. Every such application shall be accompanied by a fee of \$500, which shall be deposited to the credit of the general fund of the State. Upon the receipt by the bank examiner of the application, he shall determine whether the establishment and maintenance of the office will unduly injure any properly conducted existing association in the community where the branch office or agency is proposed to be established, or in any neighboring community. If he finds that no undue injury is likely to result and that the establishment and maintenance of the branch office or agency is advisable, he may approve the application.”

SECTION 3. Chapter 408, Hawaii Revised Statutes, is amended in the following respects:

1. By amending section 408-8 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:

(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 \$1,000, 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;
- (3) That the applicant has available for the operation of this business at the specified location capital of at least \$100,000; and
- (4) That allowing the applicant to engage in this business will not substantially lessen competition or tend to create a monopoly or in any other manner be in restraint of trade,

then the bank examiner 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."

2. By amending section 408-26 to read:

"**Sec. 408-26 Fees.** (a) The fees to be paid for examinations of industrial loan companies shall be the same as those charged for examination of banks, trust

companies, and all fiduciary companies as provided by section 401-8; provided that for foreign corporations the fees shall be \$20 per day, or the actual cost thereof whichever is the greater, but not to exceed \$250 for any one examination. All fees shall be paid directly to the director of regulatory agencies upon receipt of a bill from the bank examiner.

(b) For filing and investigation of an industrial loan company's application for transfer of an industrial loan license under section 408-11.1, a fee of \$1,000 shall be paid by the proposed transferee. If the proposed transferee is a licensed industrial loan company under this chapter and the license so transferred shall be used as a branch office by the industrial loan company, the fee shall be \$500.

(c) For filing and investigation of an industrial loan company's application for a branch office license under section 408-14(4), the fee shall be \$500."

SECTION 4. Section 449-14, Hawaii Revised Statutes, is amended to read:

"**Sec. 449-14 Fees.** The following fees shall be paid by licensed escrow depositories to the bank examiner and into the general fund:

- (1) For filing and investigation of an escrow depository's application for license, \$200.
- (2) For initial issuance and annual renewal of an escrow depository's license, \$25.
- (3) For initial issuance and annual renewal of a branch office license, \$5.
- (4) For reissuance of a license or endorsement on the license for the change in the business address of its office, \$3."

SECTION 5. Section 454-3, Hawaii Revised Statutes, is amended by amending subsection (e) to read:

"(e) The license fee for a license calendar year or any part thereof shall be \$100 for a mortgage broker and \$25 for a mortgage solicitor, which fees shall be deposited with the director of finance to the credit of the general fund. Failure of any mortgage broker or mortgage solicitor to pay the license fee for a license calendar year on or before December 31 of the preceding calendar year shall constitute an automatic forfeiture of the broker's or solicitor's license. A broker's or solicitor's license which is forfeited for nonpayment of the license fee may be restored; provided that application for restoration is made within six months of the forfeiture and a penalty fee in the amount of \$100 for mortgage brokers and \$25 for mortgage solicitors is paid in addition to the delinquent license fee."

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 21, 1979.)

A Bill for an Act Relating to Public Assistance.

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

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

SECTION 1. Section 346-59, Hawaii Revised Statutes, is amended to read:

**“Sec. 346-59 Medical care payments.** (a) The department shall adopt rules under chapter 91 concerning payment to providers of medical care. The department shall determine the rates of payment due to all providers of medical care, and pay such amounts in accordance with the requirements of the appropriations act and the Social Security Act, as amended.

(b) Rates of payment to providers of medical care who are individual practitioners, including doctors of medicine, dentistry, podiatry, osteopathy, optometry, and other individuals providing services which the department chooses to include in its scope of medical care services, shall be based upon the profile, or adjusted profile, of usual and customary fees selected by the legislature as the basis of the appropriation for such care for any fiscal year. The amounts paid shall not exceed the maximums permitted to be paid individual practitioners under federal rules promulgated pursuant to the Social Security Act, as amended.

The appropriation act shall indicate the profile used as the basis for the appropriation of each fiscal year. If that profile has been adjusted by the legislature, the legislature shall specify the extent of the adjustment in the appropriation act.

(c) Payments to health maintenance organizations with which the department contracts for the provision of medical care to eligible public assistance recipients may be made on a prepaid basis. The rate of payment per participating recipient shall be fixed by contract, as determined by the department and the health maintenance organization, but shall not exceed the maximum permitted by federal rules and shall be less than the federal maximum when funds appropriated by the legislature for such contracts require a lesser rate. For purposes of this subsection, “health maintenance organizations” means entities designated as such by the Department of Health, Education, and Welfare.

(d) The department shall prepare each biennial budget request for a medical care appropriation based upon the most current usual and customary fee profile available at the time the request is prepared.

The director shall submit a report to the legislature on or before January 1 of each year indicating an estimate of the amount of money required to be appropriated to pay providers at the maximum rates permitted by federal rules in the upcoming fiscal year.”

**SECTION 2. 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 3.** Statutory material to be repealed is bracketed. New material is underscored.\*

**SECTION 4.** This Act shall take effect on July 1, 1979.

(Approved June 21, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

A Bill for an Act Relating to Land Use.

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

SECTION 1. Section 205-6, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 205-6 Special permit.** The county planning commission may permit certain unusual and reasonable uses within agricultural and rural districts other than those for which the district is classified. Any person who desires to use his land within an agricultural or rural district other than for an agricultural or rural use, as the case may be, may petition the planning commission of the county within which his land is located for permission to use his land in the manner desired. Each county may establish the appropriate fee for processing the special permit petition.

The planning commission, upon consultation with the central coordinating agency, except in counties where the planning commission is advisory only in which case the central coordinating agency, shall establish by rule or regulation, the time within which the hearing and action on petition for special permit shall occur. The county planning commission shall notify the land use commission and such persons and agencies that may have an interest in the subject matter of the time and place of the hearing.

The county planning commission may under such protective restrictions as may be deemed necessary, permit the desired use, but only when the use would promote the effectiveness and objectives of this chapter. A decision in favor of the applicant shall require a majority vote of the total membership of the county planning commission.

Special permits for land the area of which is greater than fifteen acres shall be subject to approval by the land use commission. The land use commission may impose additional restrictions as may be necessary or appropriate in granting such approval, including the adherence to representations made by the applicant.

A copy of the decision together with the complete record of the proceeding before the county planning commission on all special permit requests involving a land area greater than fifteen (15) acres shall be transmitted to the land use commission within sixty days after the decision is rendered. Within forty-five days after receipt of the complete record from the county planning commission, the land use commission shall act to approve, approve with modification, or deny the petition. A denial either by the county planning commission or by the land use commission, or a modification by the land use commission, as the case may be, of the desired use shall be appealable to the circuit court of the circuit in which the land is situated and shall be made pursuant to the Hawaii Rules of Civil Procedure.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 21, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

A Bill for an Act Relating to Farm Loans.

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

SECTION 1. The purpose of this Act is to strengthen the State's farm loan program.

SECTION 2. Section 155-2, Hawaii Revised Statutes, is amended to read:

**“Sec. 155-2 Objectives.** One of the objectives of the department of agriculture shall be to promote the agricultural development of the State by stimulating, facilitating, and granting loans to qualified farmers.

The department shall encourage the growth, development, and well being of agriculture in the State by maximizing the use of limited state funds and resources in encouraging development of new farmers and new crops; assisting qualified farmers with loans; encouraging private lenders to make loans to qualified farmers directly, or in cooperation, or in participation with the State; and providing relief to farmers in times of emergencies.

The department shall also establish standards and criteria pursuant to which loans may be provided to qualified farmers who cannot secure credit from other sources at reasonable rates and terms. Any assessment of the program shall consider its purpose and intent which involves credit risk beyond that of banks and other private lenders, and such assessment shall be based on standards of similar programs.”

SECTION 3. Section 155-3, Hawaii Revised Statutes, is amended to read:

**“Sec. 155-3 Restriction.** Loans provided for by this chapter shall be authorized only if such loans cannot be made by the Farmers Home Administration or the Production Credit Association of Hawaii or the Federal Land Bank Association of Hawaii or the Sacramento Bank for Cooperatives; and by two private lenders.”

SECTION 4. Section 155-4, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 155-4 Powers and duties of the department.** The department of agriculture shall have the following powers:

- (1) Employ a secretary, who may be exempt from chapters 76 and 77, and such other full-time and part-time employees, subject to chapters 76 and 77, as are necessary to effectuate the purposes of this chapter, subject further to the limitation of funds in the farm loan reserve fund.
- (2) Designate such agents throughout the State as may be necessary for property appraisal, the consideration of loan applications, and the supervision of farming operations of borrowers. The agents may be compensated for their services at such rates as the department in its discretion may fix.
- (3) Initiate and carry on a continuing research and education program, utilizing and coordinating the services and facilities of other government agencies and private lenders to the maximum, to inform qualified farmers concerning procedures for obtaining loans and to inform private lenders concerning the advantages of making loans to qualified farmers.



- (4) Cooperate with private and federal government farm loan sources to increase the amount of loan funds available to qualified farmers in the State.
- (5) Assist individual qualified farmers in obtaining loans from other sources. Insofar as available funds and staff permit, counsel and assist individual farmers in establishing and maintaining proper records to prove their farming ability for loan purposes.
- (6) Insure loans made to qualified farmers by private lenders under section 155-5.
- (7) Participate in loans made to qualified farmers by private lenders under section 155-6.
- (8) Make loans to qualified farmers under the insured loan program of the Farmers Home Administration, subject to section 155-7.
- (9) Make direct loans to qualified farmers under section 155-8.
- (10) Borrow money for loan purposes.
- (11) Assign and sell mortgages.
- (12) Sue and be sued in the name of the "State of Hawaii".
- (13) Exercise such incidental powers as are deemed necessary or requisite to fulfill its duty in carrying out the purposes of this chapter.
- (14) Promulgate rules and regulations as it may deem necessary in accordance with chapter 91 having the force and effect of law."

SECTION 5. Section 155-5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The department of agriculture may insure up to ninety per cent of the principal balance of a loan, plus interest due thereon, made to a qualified farmer by a private lender who is unable otherwise to lend the applicant sufficient funds at reasonable rates; provided that at no time shall the aggregate amount of the State's liability, contingent or otherwise, on loans insured under this section and section 155-6 exceed \$10,000,000."

SECTION 6. Section 155-8, Hawaii Revised Statutes, is amended to read:

"**Sec. 155-8 Direct loans.** (a) The department of agriculture may make loans directly to qualified farmers who are unable to obtain sufficient funds at reasonable rates from private lenders either independently or under sections 155-5 and 155-6, or from the Farmers Home Administration either directly or under section 155-7.

(b) Loans made under this section shall be limited by sections 155-9 to 155-13.

(c) Loans made under this section shall bear simple interest on the unpaid principal balance, charged on the actual amount disbursed to the borrower. The interest rate on class "A" and class "B" loans shall be the rate charged for similar type loans by the Federal Land Bank Association of Hawaii; the interest rate on class "C" loans shall be the interest rate charged for similar type loans by the Hawaii Production Credit Association of Hawaii; the interest rate charged on class "E" loans shall be two per cent less than the rate charged for similar type loans by the Sacramento Bank for Cooperatives; and the interest rate on class "F" loans shall be two per cent less than the rate charged by the appropriate farm credit bank for similar type loans; provided if the money loaned is borrowed by the department, then the

interest on loans of such classes shall be the rate charged by the appropriate farm credit bank for similar type loans or one per cent over the cost to the State of borrowing the money, whichever is greater. Interest on class "D" loans shall not exceed three per cent a year.

(d) For loans made under this section, funds shall be disbursed in accordance with regulations of the department."

SECTION 7. Section 155-9, Hawaii Revised Statutes, is amended to read:

**"Sec. 155-9 Classes of loans; purposes, terms, eligibility.** Loans made under this chapter shall be for the purposes and in accordance with the terms specified in classes "A" through "F" in the paragraphs following and shall be made only to applicants who meet the eligibility requirements specified therein and except as to class "B" loans to associations and class "E" loans, the eligibility requirements specified in section 155-10.

- (1) Class A: Farm ownership and improvement loans. To provide for:
  - (A) The purchase or improvement of farm land;
  - (B) The purchase, construction, or improvement of adequate farm dwellings, and other essential farm buildings;
  - (C) The liquidation of indebtedness incurred for any of the foregoing purposes. Such loans shall be for an amount not to exceed 100,000 and for a term not to exceed forty years. To be eligible the applicant shall derive, or present an acceptable plan to derive, a major portion of his income from and devote, or intend to devote, most of his time to farming operations; (B) have or be able to obtain the operating capital, including livestock and equipment, needed to successfully operate his farm.
- (2) Class B: Soil and water conservation loans. To provide for:
  - (A) Soil conservation practices;
  - (B) Water development, conservation, and use;
  - (C) Drainage;
  - (D) The liquidation of indebtedness incurred for any of the foregoing purposes.

Such loans shall be for an amount not to exceed \$35,000 to an individual or \$200,000 to an association and shall be for a term not to exceed twenty years for a loan to an individual and forty years to an association. To be eligible an individual applicant shall have sufficient farm and other income to pay for farm operating and living expenses and to meet payments on his existing debts, including the proposed soil and water conservation loan. An association, to be eligible, shall be a nonprofit organization primarily engaged in extending services directly related to the purposes of the loan to its members, and at least sixty per cent of its membership shall meet the eligibility requirements specified in section 155-10.

- (3) Class C: Farm operating loans. To carry on and improve a farming operation, including:
  - (A) The purchase of farm equipment and livestock;
  - (B) The payment of production and marketing expenses including materials, labor, and services;

- (C) The payment of living expenses;
- (D) The liquidation of indebtedness incurred for any of the foregoing purposes.

Such loans shall be for an amount not to exceed \$100,000 and for a term not to exceed ten years. To be eligible, an applicant shall derive or present an acceptable plan to derive a major portion of his income from and devote, or intend to devote, most of his time to farming operations.

- (4) Class D: Emergency loans. To provide relief and rehabilitation to qualified farmers without limit as to purpose:
  - (A) In areas stricken by extraordinary rainstorms, windstorms, droughts, tidal waves, earthquakes, volcanic eruptions, and other natural catastrophes;
  - (B) On farms stricken by livestock disease epidemics and crop blights;
  - (C) On farms seriously affected by prolonged shipping and dock strikes;
  - (D) During economic emergencies caused by over-production, excessive imports, and the like.

Such loans shall not exceed the maximum amounts and the maximum period specified in paragraphs (1) to (3) respectively, above, when the loan funds are used for the purposes specified therein.

- (5) Class E: Loans to cooperatives and corporations. To provide credit to farmers' cooperative associations and corporations engaged in marketing, purchasing, and processing, and providing farm business services, including:
  - (A) Facility loans to purchase or improve land, building, and equipment for an amount not to exceed \$250,000 and a term not to exceed twenty years;
  - (B) Operating loans to finance inventories of supplies, warehousing, and shipping commodities, extension of consumer credit to justified farmer-members, and other normal operating expenses for an amount not to exceed \$150,000 and a term not to exceed three years.

To be eligible, a cooperative or corporation shall have at least seventy-five per cent of its board of directors and seventy-five per cent of its membership as shareholders who meet the eligibility requirements of section 155-10 and who devote most of their time to farming operations.

- (6) Class F: Loans for new farmer programs. To provide for costs of a new farm enterprise for qualified farmers:
  - (A) Initial loans made under this class shall be for purposes and in accordance with the terms specified in classes "A" and "C" only, and shall be made only for full-time farming. Such loans shall be made for an amount not to exceed \$75,000 or ninety per cent of the cost of the project, whichever is the lesser.
  - (B) Any subsequent loan shall be made from classes (A) to (D), respectively, depending upon the purpose for which the loan funds are used.
  - (C) Borrowers must comply with such special term loan agreements as may be required by the department and shall take such special training courses as the department deems necessary."

SECTION 8. Section 155-14, Hawaii Revised Statutes, is amended to read:

**“Sec. 155-14 Funds; application of payments.** (a) There is created a special fund to be known as the ‘agricultural loan revolving fund’, from which moneys shall be loaned by the department of agriculture under this chapter.

(b) All interest and fees collected by the department shall be deposited in the agricultural loan reserve fund to the extent needed to carry on the operations of the department including payments for consultative services that would strengthen the agricultural loan program; any moneys surplus to these needs shall be transferred to the agricultural loan revolving fund at the discretion of the department. All payments received on account of principal shall be credited to the agricultural loan revolving fund.

(c) A proper reserve shall be maintained in the agricultural loan revolving fund to guarantee payment of loans under section 155-5.

(d) All funds of the department shall be paid out on warrants signed by the chairman of the board of agriculture.”

SECTION 9. (a) There is appropriated out of general revenues of the State of Hawaii the sum of \$750,000 to the Agricultural Loan Revolving Fund, \$500,000 of which shall be for the New Farmer Program, as provided by section 155-14, Hawaii Revised Statutes.

(b) The sum appropriated herein shall be expended by the department of agriculture for the purposes of this Act.

SECTION 10. There is appropriated out of general revenues of the State of Hawaii for the fiscal year beginning July 1, 1979 and ending June 30, 1980, the sum of \$25,000 to be expended by the department of agriculture for consultative services that would strengthen the agricultural loan program.

SECTION 11. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 12. This Act shall take effect upon its approval.

(Approved June 21, 1979.)

ACT 223

H.B. NO. 1661

A Bill for an Act Relating to Corporations.

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

SECTION 1. Section 416-4, Hawaii Revised Statutes, is amended to read:

**“Sec. 416-4 Directors, qualifications of.** The directors of every corporation shall be one or more in number, if the corporation has only one stockholder. If the corporation has two stockholders, the corporation shall have two or more directors. If the corporation has three or more stockholders, the corporation shall have three or more directors. In any event, at least one member of every board of directors shall be a resident of the State. In the absence of one such member, no board of directors shall function.

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

An act done in derogation of the above shall be void in any action brought by any stockholder.”

SECTION 2. Section 416-13, Hawaii Revised Statutes, is amended to read:

“**Sec. 416-13 Reservation of name.** The exclusive right to the use of a corporate name may be reserved by any person intending to organize a corporation under this chapter, by any domestic corporation intending to change its name, by any foreign corporation intending to do or carry on any business in the State or to take, hold, sell, demise, or convey real estate or any other property therein, by any foreign corporation authorized to do or carry on any business in the State or to take, hold, sell, demise, or convey real estate or any other property therein and intending to change its name, or by any person intending to organize a foreign corporation and intending to have the corporation authorized to do or carry on any business in the State or to take, hold, sell, demise, or convey real estate or any other property therein. Reservation shall be made by filing with the director of regulatory agencies an application in such form as the director may prescribe to reserve a specified corporate name, and payment to the director of a fee of \$2. If he finds that the name is available for corporate use, he shall reserve the name for the exclusive use of the applicant for a period of sixty days. The right to the exclusive use of a specified corporate name so reserved may be transferred to any other person or corporation by filing in the office of the director a notice of the transfer executed by the applicant for whom the name was reserved and specifying the name and address of the transferee.”

SECTION 3. Section 416-127, Hawaii Revised Statutes, is amended to read:

“**Sec. 416-127 Reinstatement of involuntarily dissolved corporations.** Within ninety days after the involuntary dissolution of a corporation under section 416-122, the corporation may be reinstated by the director of regulatory agencies upon application executed and verified by the president and secretary or other authorized officers of the corporation setting forth such information as the director may require, and the payment of all delinquent fees, penalties, assessments, and taxes, and costs of involuntary dissolution, and the filing of all exhibits due and unfiled. Within said ninety-day period, should the name of the corporation, or a name so nearly similar thereto as to lead to confusion and uncertainty, be registered or reserved by another corporation or partnership, or should such name or a name so similar thereto as to lead to confusion, be registered as a trade name, then reinstatement shall be allowed only upon the registration of a new name by the involuntarily dissolved corporation pursuant to the amendment provisions of section 416-23.”

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 21, 1979.)

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\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

A Bill for an Act Relating to Campaign Spending.

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

**SECTION 1. Purpose.** The purpose of this bill is to implement Article II of the Constitution of the State of Hawaii pertaining to campaign spending as amended by the Hawaii Constitutional Convention of 1978 and ratified by the voters on November 7, 1978.

**SECTION 2.** The Hawaii Revised Statutes is amended by repealing chapter 11, part XII, subpart B, and substituting a new subpart B to read as follows:

**“B. ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES**

**Sec. 11-191 Definitions.** When used in this chapter:

- (1) “Advertisement” means:
  - (A) Any communication, exclusive of bumper stickers or other sundry items paid for by or on behalf of a candidate which identifies a candidate directly or by implication or which advocates or supports the nomination for election, or election, of the candidate or advocates or supports his defeat; and
  - (B) Any communication, exclusive of bumper stickers or other sundry items paid for by or on behalf of a committee, which identifies an issue or question which appears or is reasonably certain to appear on the ballot at the next applicable election, or which advocates or supports the passage or defeat of the question or issue.
- (2) “Campaign treasurer” means a person appointed under section 11-198, and, unless expressly indicated otherwise, includes deputy campaign treasurers.
- (3) “Candidate” means an individual who seeks nomination for election, or election, to office. An individual is a candidate if he does any of the following:
  - (A) Files nomination papers for an office for himself with the county clerk’s office or with the lieutenant governor’s office, whichever is applicable; or
  - (B) Receives contributions in an aggregate amount of more than \$100, or makes or incurs any expenditures to bring about his nomination for election, or election, to office; provided that in no event shall a person be deemed a candidate by reason of the provisions set forth in subparagraphs (B) and (C) of this paragraph until January 1 of the year that person runs for election; or
  - (C) Gives his consent for any other person to receive contributions or make expenditures to aid his nomination for election, or election, to office.
- (4) “Commission” means the campaign spending commission.
- (5) “Committee” means:
  - (A) Any organization or association which, or any individual who, accepts a contribution or makes an expenditure for or against any candidate, individual who files for nomination at a later date and becomes a

- candidate, or party, with or without the authorization of the candidate, individual, or party, or who accepts a contribution or makes an expenditure for or against any question or issue which appears or is reasonably certain to appear on the ballot at the next applicable election;
- (B) Any organization or association which, or any individual who, raises or holds money or anything of value for a political purpose, with or without the consent or knowledge of any candidate, individual who files for nomination at a later date and becomes a candidate, or any party, and which subsequently contributes the money or anything of value to, or makes expenditures in behalf of, a candidate, individual who files for nomination at a later date and becomes a candidate, or party;
- (C) Notwithstanding any of the foregoing, the term "committee" shall not include any person making a contribution or expenditure of his own funds or anything of value which he originally acquired for his own use and not for the purpose of evading any provision of this chapter.
- (6) "Contribution" means:
- (A) A gift, subscription, deposit of money or anything of value, or cancellation of a debt or legal obligation and includes the purchase of tickets to fund raisers for the purpose of:
- (i) Influencing the nomination for election, or election, of any person to office; or
  - (ii) Influencing the outcome of any question or issue which appears or is reasonably certain to appear on the ballot at the next applicable election; or
  - (iii) Use by any party for the purposes set out in clause (i) or (ii) above;
- (B) The payment, by any person other than a candidate or committee, of compensation for the personal services of another person which are rendered to the candidate or committee without charge or at an unreasonably low charge for the purposes set out in clause (i), (ii), or (iii) in paragraph (A) above; or
- (C) A contract, promise, or agreement to make a contribution; provided that notwithstanding subparagraphs (A), (B), and (C) of this paragraph, the term shall not include services or portions thereof voluntarily provided without reasonable compensation by individuals to or in behalf of a candidate or committee; or
- (D) Notwithstanding the above, a candidate's expenditure of his own funds or the making of a loan or advance in the pursuit of his campaign shall not be a contribution for the purpose of this chapter but shall nevertheless be reportable as a campaign receipt.
- (7) "Earmarked funds" means contributions received by a committee or party on the condition that the funds be contributed to or expended on certain candidates, issues, or questions.
- (8) "Election" means any election for office or for determining a question or issue provided by law or ordinance.
- (9) "Expenditure" means:
- (A) Any purchase or transfer of money or anything of value, or promise or

agreement to purchase or transfer money or anything of value, or payment incurred or made, or the use or consumption of a nonmonetary contribution for the purpose of:

- (i) Influencing the nomination for election, or election, of any person seeking nomination for election, or election, to office whether or not the person has filed his nomination paper; or
  - (ii) Influencing the outcome of any question or issue which appears or is reasonably certain to appear on the ballot at the next applicable election; or
  - (iii) Use by any party for the purposes set out in clause (i) or (ii) above;
- (B) The payment, by any person other than a candidate or committee, of compensation for the personal services of another person which are rendered to the candidate or committee for any of the purposes mentioned in clause (i), (ii), or (iii) of this paragraph; or
- (C) The expenditure by a candidate of his own funds for the purposes set out in clauses (i), (ii), and (iii) above.
- (10) "House bulletin" means a communication sponsored by any person in the regular course of publication for limited distribution primarily to its employees or members.
- (11) "Immediate family" means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.
- (12) "Individual" means a natural person.
- (13) "Matching payment period" means:
- (A) For a primary election, from January 1 of the year of a general election through the day of the primary election, or nine months prior to a special primary or special election through the day of a special primary or special election; and
  - (B) For a general election, from the day after a primary or special primary election through the day of the general or special general election.
- (14) "Newspaper" means a publication of general distribution in the State issued once or more per month which is written and published in the State.
- (15) "Office" means any elective public or constitutional office excluding federal elective offices.
- (16) "Person" means an individual, partnership, committee, association, corporation, or labor union and its auxiliary committees.
- (17) "Political party" means any party which satisfies the requirements of section 11-61.
- (18) "Private contribution" means a monetary contribution other than from a candidate's own funds or from the Hawaii election campaign fund.
- (19) "Qualifying campaign contribution" means a contribution of \$100 or less, and not more than \$100 of a person's total aggregate contribution. Qualifying contributions do not include loans or in-kind contributions.

**Sec. 11-192 Campaign spending commission.** There is established a campaign spending commission, consisting of five members appointed by the governor as follows:



The judicial council shall select a panel of ten persons, consisting of five persons from the membership of each of the two political parties for which the greatest number of voters cast party ballots in the last preceding primary election. From this panel the governor shall appoint two members from each political party and a chairman. Any vacancies in the commission shall be filled by the governor with a member from the panel or by reappointment of a member whose term has expired, subject to the limit on length of service imposed by section 26-34; provided the replacement member is from the same political party as the member being replaced; and provided further that the party is then one of the two political parties as determined above; otherwise, the replacement member shall be from one of the parties not represented on the commission.

The judicial council shall meet and expeditiously select additional persons for the panel whenever the number of the eligible panel members falls below five, or whenever a political party, being one of the two parties for which the greatest number of voters cast party ballots in the last primary election, is not represented. In either event, the judicial council shall select additional panel members so that there will be five from each of the two parties. A person shall no longer remain eligible to be on the panel when he is not from one of the two parties for which the greater number of voters cast party ballots in the last preceding primary election. The requirement of being from the same party is not applicable to the replacement chairman.

Notwithstanding section 26-34, these appointments shall not be subject to senatorial confirmation. The term of the members shall be four years, except that the terms of the initial members shall be two years for two members, three years for two other members, and four years for the chairman, as determined by the governor.

The members of the commission shall serve without compensation but they shall be reimbursed for reasonable expenses, including travel expenses, incurred in the discharge of their duties. For administrative purposes the commission shall be under the office of the lieutenant governor.

**Sec. 11-193 Duties of the lieutenant governor; commission.** (a) The principal duty of the lieutenant governor as the chief election officer is to regulate the election process. Under this chapter the lieutenant governor's duties are:

- (1) To develop and adopt reporting forms required by this chapter;
- (2) To adopt and publish a manual for all candidates and committees, describing the requirements of this chapter, including uniform and simple methods of recordkeeping;
- (3) To preserve all reports required by this chapter for at least five years from the date of receipt;
- (4) To permit the inspection, copying, or duplicating of any report required by this chapter pursuant to rules adopted by the commission; provided that no information or copies from the reports shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

(b) The commission's principal duty is to supervise campaign contributions and expenditures. Under this chapter its duties are:

- (1) To ascertain whether any candidate, committee, or party has failed to file a report required by this chapter or has filed a substantially defective or deficient report, and to notify such persons by first class mail that their

failure to file or filing of a substantially defective or deficient report must be corrected and explained. The correction or explanation shall be submitted in writing to the commission not later than 4:30 p.m. on the fifth day after notification of the failure to file or deficiency has been mailed to such persons. The commission shall publish in the newspaper the names of all candidates, committees, and parties who have failed to file a report or to correct their deficiency within the time allowed by the commission. Failure to file or correct a report when due, as required by this chapter shall result in a penalty of \$50. Failure to respond after a newspaper notification shall result in an additional penalty of \$50 for each day a report remains overdue or uncorrected. All penalties collected under this section shall be deposited in the Hawaii election campaign fund;

- (2) To hold public hearings;
- (3) To investigate and hold hearings for receiving evidence of any violations;
- (4) To adopt a code of fair campaign practices as a part of its rules and regulations;
- (5) To establish rules pursuant to chapter 91;
- (6) To request the initiation of prosecution for the violation of this chapter pursuant to section 11-229;
- (7) To administer and monitor the distribution of public funds under this chapter;
- (8) To suggest accounting methods for candidates, parties, and committees, as the commission may deem advisable, in connection with reports and records required by this chapter; and
- (9) To employ or contract, without regard to chapters 76 and 77 and section 103-3, and, at pleasure, to dismiss persons it finds necessary for the performance of its functions, and to fix their compensation.

(c) In performing the functions and duties under this chapter, the commission may subpoena witnesses, examine them under oath, and require the production of books, papers, documents, or objects, to the commission office at any place in the State whether or not the subpoena is in connection with any hearing; provided that the person or documents subpoenaed shall be relevant to a matter under study or investigation by the commission. Such books, papers, documents, or objects may be retained by the commission for a reasonable period of time for the purpose of examination, audit, copying, testing, and photographing. The subpoena power shall be exercised by the chairman of the commission, or such other person as he may designate. Upon application of the commission, obedience to the subpoena shall be enforced by the circuit court in the county where the person subpoenaed resides or is found in the same manner as a subpoena issued by a circuit court.

**Sec. 11-194 Registration.** Each candidate, committee, or party shall file an organizational report no later than 4:30 p.m. on the earliest of the following applicable days:

- (1) On or before the day of filing for nomination or election;
- (2) At least forty-five days before the primary election or special primary election;
- (3) At least forty-five days before the general, special general, or special

election, when there is no primary election; or

- (4) By the tenth day after (A) receiving any contributions in an aggregate amount of more than \$100, or (B) making or incurring any expenditure which is reportable under section 11-212 or 11-213.

**Sec. 11-195 Filing of reports, generally.** (a) All reports required to be filed under this chapter by a candidate or those committees directly associated with his candidacy shall be certified by the candidate. Reports required to be filed under this chapter by a party or committee which supports more than one candidate shall be certified by a person authorized to sign such reports. All reports required to be filed under this chapter shall be open for public inspection in the office of the commission.

(b) The original and one copy of all reports required under this chapter shall be filed at the office of the commission. In the case of counties having less than 200,000 voters, the filing shall be accomplished by filing an original and two copies of the required report with either the commission or the clerk of the county in which the candidate resides. The clerk shall then immediately mail the original and one copy of the report to the commission by certified mail.

(c) The commission or county clerk shall give each person filing a report a receipt stating the type of report filed and the date and time of filing.

(d) All reports filed with the county clerk's office shall be preserved by that office for five years.

(e) All reports required to be filed under this chapter shall at all times be available to the lieutenant governor.

**Sec. 11-196 Organizational report.** (a) The organizational report shall include:

- (1) The name and address of the candidate or individual, committee, or party filing the report;
- (2) The name, address, office sought, and party affiliation, of each candidate or individual whom the committee or party is supporting;
- (3) The names and addresses of the campaign treasurer and deputies;
- (4) The names and addresses of the campaign chairman and deputy campaign chairman;
- (5) A list of all banks, safety deposit boxes, or other depositories used with each applicable account number;
- (6) The amount, name, address, and occupation of each donor who has contributed an aggregate amount of more than \$100 since the last election applicable to the office being sought or to the ballot issue or question and the amount and date of deposit of each such contribution; and
- (7) In the case of a report by a committee or party supporting or opposing a ballot question or issue, all of the information described in paragraphs (2) to (6) and a description of the question or issue.

(b) Any change in information submitted in the organizational report with the exception of subsection (a)(6) shall be reported no later than 4:30 p.m. on the tenth calendar day after such change is brought to the attention of the candidate, committee, party, or campaign treasurer.

**Sec. 11-197 Designated central committee.** Each candidate for a statewide or county office who is supported by more than one committee shall designate a central

committee which shall be responsible for aggregating the total contributions and expenditures of all committees directly associated with the candidate and for filing composite reports indicating this information pursuant to sections 11-212 and 11-213.

**Sec. 11-198 Campaign treasurer.** (a) Every committee, party, and candidate shall appoint a campaign treasurer on or before the day for filing an organizational report. Up to five deputy campaign treasurers may be appointed. A candidate may appoint himself a campaign treasurer.

(b) A campaign treasurer may be removed at any time. In case of death, resignation, or removal of the campaign treasurer, the committee, party, or candidate shall promptly appoint a successor. During the period the office of campaign treasurer is vacant, the candidate, committee chairman, or party chairman, whichever is applicable, shall serve as campaign treasurer.

(c) Only the campaign treasurer and deputy campaign treasurers shall be authorized to receive contributions or make expenditures on behalf of the candidate, committee, or party appointing him.

**Sec. 11-199 Campaign contributions, generally.** (a) All monetary contributions shall be promptly deposited in a financial depository duly authorized to do business in the State, such as a bank, savings and loan institution, industrial loan company, or similar financial institution, in the name of the candidate, committee, or party, whichever is applicable.

(b) Each candidate, committee, or party shall establish and maintain an itemized record showing the amount of each monetary contribution, the description and value of each nonmonetary contribution, and the name and address of each donor making a contribution of more than \$25 in value.

(c) Each candidate and campaign treasurer shall report the amount and date of deposit of each contribution and the name, address, and occupation of each donor who makes a contribution or contributions whose aggregate value is more than \$100.

(d) No candidate, committee, or party shall accept a contribution of more than \$100 in cash from a single person without issuing a receipt to the donor and keeping a record of the transaction.

(e) Each committee and party shall disclose the original source of all earmarked funds, the ultimate recipient of the earmarked funds, and the fact that the funds are earmarked.

**Sec. 11-200 Campaign contributions; restrictions against transfer.** (a) A candidate, campaign treasurer, or committee shall not receive any contributions or receive or make any transfer of money or anything of value:

(1) For any purpose other than those directly related:

(A) In the case of the candidate, to his own campaign; or

(B) In the case of a campaign treasurer or committee, to the campaign of the candidate, question, or issue with they are directly associated; or

(2) To support the campaigns of candidates other than the candidate, for whom the funds were collected or with whom the campaign treasurer or committee is directly associated; or

(3) To campaign against any other candidate not directly opposing the candidate for whom the funds were collected or with whom the campaign

treasurer or committee is directly associated.

Any provision of law to the contrary notwithstanding, a candidate, campaign treasurer, or committee, as a contribution, may purchase from its campaign fund not more than two tickets for each fund raiser as defined in section 11-203, held by another candidate, committee, or party.

(b) This section shall not be construed to prohibit a party from supporting more than one candidate.

**Sec. 11-201 Anonymous contributions; unlawful.** (a) No person shall make an anonymous contribution of his own money or property, or money of another person, to any candidate, party, or committee in connection with a nomination for election, or election. No candidate, party, or committee shall knowingly receive, accept, or retain an anonymous contribution, or enter or cause such contribution to be entered in its accounts as an anonymous contribution or in a name other than the true name of the person who actually furnished the contribution.

(b) No anonymous contribution received by a candidate, party, or committee shall be used or expended, but shall be returned to the donor. If the donor cannot be identified, the contribution shall escheat to the Hawaii election campaign fund.

(c) This section shall not apply to amounts that aggregate less than \$500 when obtained through multiple contributions made by ten or more persons at the same political function. Each such aggregate contribution shall be reported accompanied by a description of the means, method, place, and date of receipt.

**Sec. 11-202 False name.** No person shall make a contribution of his own money or property, or money or property of another person to any candidate, party, or committee in connection with a nomination for election, or election, in any name other than the true name of the person who owns the money or who supplied the money or property.

All contributions made in the name of a person other than the true or established name of the actual owner of the money or property shall escheat to the Hawaii election campaign fund.

**Sec. 11-203 Fund raisers.** (a) As used in this chapter, "fund raiser" means any function held for the benefit of a person which is designed to raise funds for political purposes for which the total price of attending the function is more than \$25 per person.

(b) There shall be no more than one fund raiser held for a person prior to an election in which that person is either elected or defeated. Where a person seeks election to statewide office, he or his directly associated committee may hold not more than one fund raiser in each county prior to an election.

Six months after a general, special general, or special election, however, a candidate or committee directly associated with a candidate who has a deficit may hold an additional fund raiser.

(c) No fund raiser may be held unless a notice of intent to hold the function is filed by the person in charge of the function with the commission at least ten days prior to the date of the function setting forth the name and address of the person in charge, the price per person, the date, hour, and place of the affair, and whether contributions will be solicited at the affair and the method thereof.

(d) Fund raisers sponsored by a party for a political purpose for the general

benefit of the party are exempt from the restrictions of subsection (b).

(e) The following expenses incident to a fund raiser and to any other function held for the benefit of a person to raise funds for political purposes for which there is a charge for attending the function, shall not be considered expenditures within the limitations set by section 11-209.

- (1) The cost of food and beverages consumed at the function;
- (2) Rent and utilities for the premises where the function is held;
- (3) The amount paid for guest speakers and entertainment; and
- (4) Printing, postage, and other direct costs incurred in solicitation of the fund raiser.

**Sec. 11-204 Campaign contributions; limits as to persons.** (a) No person or any other entity other than a political party shall make contributions to a candidate in an aggregate amount greater than \$2,000 in any primary, special primary, or general election.

(b) A candidate or his immediate family in making a contribution to the candidate's campaign shall be exempt from the above limitation, but shall be limited in the aggregate to \$50,000 in any election year.

(c) A contribution by a dependent minor shall be reported in the name of the minor but shall be counted against the contribution of the minor's parent or guardian.

**Sec. 11-205 Campaign contributions; limits as to political parties.** (a) No political party shall make contributions to a candidate in any calendar year in an aggregate amount greater than the following percentages of the expenditure limit for each respective office:

- (1) For the office of governor—twenty per cent of the expenditure limit;
- (2) For the office of lieutenant governor—twenty per cent of the expenditure limit;
- (3) For the offices of mayor and prosecuting attorney—twenty per cent of the expenditure limit;
- (4) For the offices of state senator and county council member—thirty per cent of the expenditure limit;
- (5) For the office of state representative—forty per cent of the expenditure limit; and
- (6) For the offices of the board of education and all other offices—forty per cent of the expenditure limit.

(b) For purposes of this section, a contribution to a political party which is earmarked for a particular candidate or candidates shall be promptly distributed to such candidate and shall be reported by the candidate upon receipt as an individual contribution. Earmarked funds contributed pursuant to this section shall be counted:

- (1) Toward the contribution limit of the political party donating such funds to a candidate or candidates; and
- (2) Toward the contribution limit of the person or persons contributing such earmarked funds.

**Sec. 11-206 Campaign contributions; restrictions.** Every candidate in a primary, special primary, or general election who has voluntarily agreed to abide by spending limits and who subsequently receives campaign contributions in excess of the expenditure limit set for his respective office shall reserve use of such contribu-

tions until after a general election. Such contributions shall not be used for personal expenses or to qualify for public funding in any subsequent election. All contributions collected pursuant to this section shall be reportable under section 11-213.

**Sec. 11-207 Other contributions and expenditures.** (a) Expenditures made by any person or political party for the benefit of a candidate in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's political committee, or their agents, shall be considered to be a contribution to such candidate.

The financing by any person or political party of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written or other campaign materials prepared by the candidate, the candidate's political committee or committees, or agents shall be considered to be a contribution to such candidate.

(b) No funds shall be withdrawn or paid from a campaign depository except upon the written authorization of the campaign treasurer.

(c) No expenditure for a candidate shall be made or incurred by any committee controlled by a candidate without specific written authorization of the candidate or his authorized representative. Every expenditure so authorized and made or incurred shall be attributed to the candidate with whom the committee is directly associated for the purpose of imposing the expenditure limitations set forth in section 11-209.

(d) For the purposes of this chapter, an expenditure shall be deemed to be made or incurred when the services are rendered or the product is delivered. Services rendered or products delivered for use during a reporting period covered by this chapter shall be deemed delivered or rendered during the period or periods of use; provided that these expenditures shall be reasonably allocated between periods in accordance with the time the services or products are actually used.

**Sec. 11-208 Voluntary campaign expenditure limitation.** (a) Any candidate may voluntarily agree to limit his campaign expenditures and those of his committee or committees and his party in his behalf by filing an affidavit with the campaign spending commission.

(b) The affidavit shall state that the candidate knows the voluntary campaign expenditure limitations as set out in section 11-209 and that he is voluntarily agreeing to limit his expenditures and those made on his behalf by the amount set by law. The affidavit shall be subscribed to by the candidate and notarized.

(c) Affidavits in compliance with this section shall be filed on the date set for filing the candidate's organizational report as provided in section 11-196.

**Sec. 11-209 Campaign expenditures; limits as to amounts.** (a) From January 1 of the year of a primary, special primary, or general election through the day of the general election, the total expenditures for candidates who voluntarily agree to limit their campaign expenditures, inclusive of all expenditures made or authorized by the candidate himself and all campaign treasurers and committees in his behalf, shall not exceed the following amounts expressed respectively as the product of the number of votes in the last preceding general election registered to vote for the respective class of offices:

- (1) For the office of governor—\$1.25;
- (2) For the office of lieutenant governor—70 cents;
- (3) For the office of mayor—\$1.00;

- (4) For the offices of state senator, state representative, county council member, and prosecuting attorney—70 cents; and
  - (5) For the offices of the board of education and all other offices—10 cents.
- (b) An increase of five per cent shall be added to the amounts allowed under subsection (a) from 1979 and each year thereafter.

**Sec. 11-210 Study and recommendation.** At least one year prior to a primary, special primary, or general election, the commission shall submit to the legislature:

- (1) A study and recommendation of reasonable campaign expenditure and contribution limits and the factors which may be relevant in their establishment; and
- (2) A report concerning the status of the Hawaii election campaign fund, and shall request an appropriation if the total amount of revenues comprising the fund is insufficient to partially finance all candidates for a particular primary, special primary, or general election as set forth in section 11-218.

**Sec. 11-211 House bulletins.** The costs of preparing, printing, and circulating house bulletins and the writings, drawings, and photographs contained therein, except for paid political advertisements, shall be exempt from the provisions of this chapter.

**Sec. 11-212 Preliminary reports.** (a) Each candidate, authorized person in the case of a party, or campaign treasurer in the case of a committee, shall file a preliminary report with the commission on forms provided by the commission no later than 4:30 p.m. on the tenth calendar day prior to each election. The report shall be certified pursuant to section 11-195 and shall contain the following information which is current through the fifteenth calendar day prior to the election:

- (1) The aggregate sum of all contributions and other campaign receipts received;
- (2) The amount and date of deposit of the contribution and the name and address of each donor who contributes an aggregate of more than \$100;
- (3) All expenditures made, incurred, or authorized by or for a candidate, including the name and address of each payee and the amount, date, and purpose of each expenditure; and
- (4) A current statement of the balance on hand or deficit.

(b) Notwithstanding this section, a candidate or committee which makes expenditures of \$500 or less may file a short form report with the commission in lieu of the reports required by this section and section 11-213.

**Sec. 11-213 Final and supplemental reports.** (a) Each candidate whether or not successful in a primary or special primary election, authorized person in the case of a party, or campaign treasurer in the case of a committee, shall file a final primary report certified pursuant to section 11-195 with the commission on forms provided by the commission no later than 4:30 p.m. on the twentieth day after a primary or special primary election. The report shall include:

- (1) A statement of the total contributions and campaign receipts received;
- (2) The amount and date of deposit of each contribution and the name and address of each donor who contributes an aggregate of more than \$100;



(3) A statement of all expenditures made, incurred, or authorized by or for a candidate including the name and address of each payee and the amount, date, and purpose of each expenditure; and

(4) The cash balance and a statement of surplus or deficit.

(b) Each candidate, authorized person in the case of a party, or campaign treasurer in the case of a committee shall file a final general report with the commission on forms provided by the commission no later than 4:30 p.m. on the twentieth day after a general, special general, or special election. The final general report shall be certified pursuant to section 11-195 and shall report all items prescribed in subsection (a). A candidate who is unsuccessful in a primary or special primary election need not file a final general report.

(c) Deficit. In the event of a deficit over \$250, the candidate, authorized person in the case of a party, or campaign treasurer in the case of a committee shall, every six months until the deficit is eliminated, file supplemental reports reporting all items prescribed in subsection (a). The first report shall be due no later than 4:30 p.m. on the fifth day after the last day of the election year.

(d) Surplus. In the event of a surplus over \$250, the candidate, authorized person in the case of a party, or campaign treasurer in the case of a committee, shall:

(1) Maintain the cash surplus in a financial depository; and

(2) Every six months, until he becomes a candidate again, or in the case of a party or committee until they participate in an election again, file supplemental reports reporting all items prescribed in subsection (a).

The first report shall be due not later than 4:30 p.m. on the fifth day after the last day of the election year.

(e) A candidate, party, or committee who receives no contributions or makes no expenditures shall nevertheless file preliminary, final, and supplemental reports on the respective dates pursuant to this chapter.

(f) All supplemental reports pursuant to this section are required to be filed until a candidate, party, or committee:

(1) Re-registers with the commission for a new election period; or

(2) Terminates registration with the commission.

**Sec. 11-214 Disposition of funds.** (a) All candidates who withdraw or cease to be candidates, or committees directly associated with such candidates, individuals who receive contributions but fail to file for nomination, or committees or parties which discontinue their activities covered in this chapter, shall return all residual private contributions to the donors of such contributions if their identities are known, provided that if the identity of any donor is not known, or the donor cannot be found, such contribution shall escheat to the Hawaii election campaign fund.

(b) All residual public funds shall be returned to the Hawaii election campaign fund.

(c) Upon disposition of all residual funds, the candidate or campaign treasurer shall file a report with the commission, reporting the amounts distributed under this section and the manner of disposition.

(d) This section shall not apply to elected officials or candidates who failed to be nominated or elected.

**Sec. 11-215 Advertising.** (a) All advertisements shall contain the name and

address of the candidate, committee, party, or person paying for the advertisement.

(b) In addition to subsection (a) above, no person shall cause or submit any advertisement in support of a candidate or against a candidate's opponent, to be published, broadcast, televised or otherwise circulated and distributed except under the following conditions:

- (1) The advertisement shall contain a notice in a prominent location that the literature or advertisement is published, broadcast, televised, or circulated with the approval and authority of the candidate, provided that in the event that the literature or advertisement is paid for by a candidate or committee directly associated with a candidate, the notice of approval and authority need not be included; or
- (2) The advertisement shall contain a notice in a prominent location that the literature or advertisement is published, broadcast, televised, or circulated without the approval and authority of the candidate.

**Sec. 11-216 Complaints, investigation, and notice.** (a) Complaints of violations of this chapter against any person shall be filed with the commission. The complaint shall be in writing and shall be signed under oath by the complainant. Complaints initiated by the commission shall be in writing and signed by the chairman.

(b) The commission shall give notice of receipt of the complaint together with a copy of the complaint to the person cited and shall afford him an opportunity to explain or otherwise respond to the complaint. The commission may also cause an investigation to be made of the complaint.

(c) Upon hearing the response of the person cited, if he elects to respond to the complaint, and upon completion of any investigation, the commission shall make a prompt determination as to whether probable cause exists that a violation has been committed.

- (1) Any person who appears before the commission shall have all of the rights, privileges, and responsibilities of a witness appearing before the courts of this State. All witnesses summoned before the commission shall receive reimbursement as paid in like circumstances in the courts of this State. Any person whose name is mentioned during a proceeding of the commission and who may be adversely affected thereby, may appear personally before the commission on his own behalf or file a written statement for incorporation into the record of the proceeding.
- (2) The commission shall cause a record to be made of all proceedings pursuant to this subsection. At the conclusion of proceedings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence and then proceed to determine by majority vote of the members whether probable cause exists that a violation has been committed.

(d) Until a determination of probable cause is made by the commission, all proceedings, including the filing of the complaint, investigation, and hearing shall be confidential unless the person complained of requests an open hearing. In the event the commission determines that probable cause does not exist, the complaint shall be dismissed and the entire record of the proceedings shall be kept confidential at the option of the person complained of.

(e) The commission shall give written notice to the person complained of and to the complainant as to whether probable cause of a violation exists or whether the complaint has been dismissed.

(f) In the event a determination is made that probable cause of a wilful violation exists, the commission shall promptly advise the lieutenant governor of its findings and also the applicable clerk of the state legislature in the case of a state office, or the clerk of the respective county legislative body in the case of a county office. In the event a determination is made that probable cause of an unintentional violation exists, the commission shall issue a confidential order that may require the violator to:

(1) Temporarily cease and desist violation of this chapter; or

(2) File any report, statement, or other information as required by this chapter.

(g) The commission may only initiate prosecution as provided in section 11-229 when it finds that probable cause of a wilful violation exists.

**Sec. 11-217 Hawaii election campaign fund; creation.** The Hawaii election campaign fund is created within the state treasury. The fund shall consist of all moneys collected from persons who have designated a portion of their income tax liability to the fund as provided in section 235- , any general fund revenues appropriated, as well as all other moneys collected pursuant to this chapter. Payment to each candidate from the fund shall be by the comptroller in the manner prescribed in section 11-222.

**Sec. 11-218 Candidate funding; amounts available.** (a) The maximum amount of public funds available to a candidate for the office of governor, lieutenant governor or mayor in any election year shall not exceed one-fifth or twenty per cent of the total expenditure limit established for each office above pursuant to section 11-209.

(b) For the office of state senator, state representative, county council member, prosecuting attorney, board of education, and all other offices, the maximum amount of public funds available to a candidate shall not exceed \$100 in any election year.

**Sec. 11-219 Qualifying campaign contributions; amounts.** As a condition of receiving public funds for a primary, special primary, or general election, a candidate shall have filed an affidavit with the commission pursuant to section 11-208 to voluntarily limit his campaign expenditures and shall be in receipt of the following sum of qualifying campaign contributions for his respective office:

(1) For the office of governor—qualifying contributions which in the aggregate exceed \$25,000;

(2) For the office of lieutenant governor—qualifying contributions which in the aggregate exceed \$20,000;

(3) For the office of mayor in a county having more than 100,000 registered voters—qualifying contributions which in the aggregate exceed \$15,000;

(4) For the office of mayor in a county having less than 100,000 registered voters—qualifying contributions which in the aggregate exceed \$2,000; and

(5) For all other offices—qualifying contributions which in the aggregate exceed \$500.

**Sec. 11-220 Eligibility for payments.** (a) To be eligible to receive payments under section 11-217, a candidate shall in writing:

- (1) Agree to obtain and furnish to the commission any evidence of the campaign expenses of such candidate which the commission may request;
- (2) Agree to keep and furnish records, books, and other information which the commission may request; and
- (3) Agree to an audit and examination by the commission under section 11-225 and to pay any amounts required to be paid pursuant to such section.

(b) To be eligible to receive payments pursuant to section 11-217, a candidate shall certify to the commission that:

- (1) Such candidate and all committees authorized by such candidate shall not incur campaign expenses in excess of the expenditure limitations imposed by section 11-209;
- (2) Such candidate has qualified to be on the election ballot in a primary, special primary, or general election;
- (3) Such candidate has filed a statement of intent to seek qualifying contributions. A contribution received before the filing of a statement of intent to seek public funds shall not be considered a qualifying contribution;
- (4) Such candidate or committee authorized by such candidate has received the qualifying sum of private contributions for the office sought by the candidate as set forth in section 11-219.
- (5) The aggregate of contributions certified with respect to any person under paragraph (4) does not exceed \$100.

(c) Each candidate and all committees authorized by such candidate in receipt of qualifying campaign contributions which may be taken into account for purposes of public funding shall maintain, on a form prescribed by the commission, records which show the date and amount of each such contribution and the full name, mailing address, and occupation of the person making the contribution. The candidate and all committees authorized by the candidate shall transmit to the commission all reports with respect to such contributions which the commission may require.

**Sec. 11-221 Entitlement to payments.** (a) Every candidate for the office of governor, lieutenant governor, or mayor who is eligible to receive public funds pursuant to section 11-220 is entitled to payments pursuant to section 11-217 in an amount equal to each qualifying contribution received by such candidate or candidate committee during the matching payment period involved.

(b) The total amount of public funds for a primary, special primary, or general election to which a candidate for the office of governor, lieutenant governor, or mayor is entitled to receive under subsection (a) shall not exceed fifty per cent of the maximum amount of public funds available to the candidate for his respective office pursuant to section 11-218.

(c) The maximum amount of public funds available to candidates for the offices of state senator, state representative, county council member, prosecuting attorney, board of education, and all other offices shall not exceed \$50 for any primary, special primary, or general election.

(d) Each candidate who qualified for the maximum amount of public funding in any primary or special primary election and who is a candidate for a subsequent

general election shall upon application with the commission be entitled to receive up to fifty per cent of the balance of public funds available to such candidate.

**Sec. 11-222 Candidate funding; application.** (a) Application forms for public funds shall be adopted by the commission and shall provide for a sworn statement by the candidate that he has established eligibility under section 11-220 to receive payments under section 11-217. Each application shall be accompanied by a qualifying campaign contribution statement or statements, and shall be filed with the commission. Upon approval by the commission of the application and qualifying contribution statement, the commission shall direct the comptroller to distribute matching public funds up to a total of fifty per cent of the maximum amount of public funds to which the candidate is entitled for either a primary or special primary, or general election.

Public funds shall be distributed by the comptroller to each eligible candidate within ten days from the date of his initial application with the commission.

(b) Each candidate in receipt of the qualifying sum of contributions established for his office may apply to the commission for public funding after he has become a candidate in a primary, special primary, or general election, but no later than ten days prior to a primary, special primary, or general election.

(c) The commission shall make additional certifications within two weeks after receiving an application and supplemental contribution statement from an eligible candidate who requests additional public funding pursuant to section 11-221.

(d) Initial certification by the commission under subsection (a) and all determinations made by the commission under this section are final and conclusive, except to the extent they are subject to examination and audit by the commission under section 11-225.

**Sec. 11-223 Candidate funding; restrictions.** (a) Each candidate who accepts public campaign funds under this chapter shall be required to abide by the campaign spending limits for his respective office as set forth in section 11-209.

(b) Public campaign funds provided under this chapter shall only be used to:

- (1) Defray campaign expenses incurred by and paid for an eligible candidate or all committees authorized by such candidate; and
- (2) Repay loans, the proceeds of which were used to defray campaign expenses.

(c) No candidate or committee authorized by a candidate shall be entitled to receive any public funds under subsection (a) unless the candidate and at least one other candidate for the same office have qualified to have their names on the election ballot in the election involved.

(d) In no event shall any portion of the total sum of public campaign funds allowable for primary or special primary election expenditures be shifted to the total amount allowable for general election expenditures pursuant to section 11-221.

(e) In no event shall any candidate or campaign treasurer in receipt of public campaign funds transfer any portion of such funds to another candidate for any primary, special primary, or general election campaign.

(f) All public funds received under this chapter shall be deposited in a financial institution designated to do business in the State of Hawaii. No expenditures of any public funds received under this chapter shall be made except by checks drawn on

such checking account. The commission may require such reports relating to the expenditure of such funds as it considers appropriate.

(g) Upon the filing of a final report for any primary, special primary, or general election, each candidate who has spent an amount below the expenditure limit set for his respective office, but who has received the maximum amount of public funds allowable for his respective office, shall return a pro rata share of twenty per cent of any residual campaign contributions to the Hawaii election campaign fund.

**Sec. 11-224 Public funds; report required; return of funds.** The campaign treasurer of the candidate shall produce evidence to the commission no later than twenty days after a primary election, special primary, or general election that all public funds paid to the candidate have been utilized as required by this chapter.

Should the commission determine that any part of the public funds have been used for noncampaign or improper expenses, it shall report such finding to the attorney general and shall order the candidate to return all or part of the total funds paid to that candidate for a primary, special primary, or general election. When such funds are returned, they shall be deposited in the Hawaii election campaign fund.

**Sec. 11-225 Public funds; examination and audit; payments.** (a) Within sixty days after each general election, the commission shall conduct an examination and audit of all public funds received by the candidate and of the campaign contributions used for purposes of qualifying for public funding under this chapter, and the campaign expenses incurred by all candidates who received payments pursuant to section 11-217.

(b) The campaign spending commission shall issue, prior to the payment of any public money, rules which detail which expenses and evidence thereof qualify as acceptable campaign expenses for purposes of this section.

(c) Should the commission determine that any payment of public funds made to an eligible candidate pursuant to section 11-221 was in excess of the aggregate amount of payments to which such candidate was entitled, the commission shall notify such candidate and such candidate shall pay to the Hawaii election campaign fund a sum equal to the amount of excess payment.

(d) If the commission determines that any amount of any public funds made to a candidate under section 11-217 was used for any improper purpose, the commission shall so notify the candidate, and the candidate shall pay to the fund an amount equal to three hundred per cent of such amount.

(e) Any candidate who has received public funds under section 11-217 and who is convicted of violating any provision of this chapter shall, upon notification by the commission, pay to the Hawaii election campaign fund the full amount of public funds received by such candidate.

(f) No notification shall be made by the commission under subsection (c) with respect to the payment of excess public funds more than two years after the payment of such funds.

**Sec. 11-226 Tax deductions.** (a) As a condition of allowing an individual to take a tax deduction for campaign contributions to a candidate pursuant to section 235-7(g) (2), a candidate shall have filed an affidavit with the commission prior to or simultaneous with the filing of his organizational report stating that he shall not exceed the expenditure limit for his respective office as set forth in section 11-209.

(b) The affidavit shall remain effective until the termination of the central committee of the candidate or the opening of filing for the next succeeding election for the office held or sought at the time of filing of the affidavit whichever occurs first. An affidavit filed under this section may not be rescinded.

(c) The director of taxation shall not allow any individual or married couple filing jointly to take a deduction against any tax due, pursuant to section 235-7(g) (2), for any contribution to a candidate for statewide or county office, who has not filed an affidavit as provided in this section.

(d) The commission shall forward a certified copy of any affidavit filed under this section to the director of taxation.

(e) The director of taxation shall only distribute to candidates who have filed an affidavit with the commission pursuant to this section a supply of official tax deduction receipt forms which state in bold face type that:

(1) A contributor who is given a receipt form is eligible to receive an income tax deduction in an aggregate amount not greater than \$500 for any election year; and

(2) That the candidate to whom he has contributed has agreed to abide by campaign expenditure limits.

(f) The director of taxation shall only allow an individual or married couple filing jointly to take an income tax deduction, pursuant to section 235-7(g) (2), for any contribution to a candidate for a statewide or county office, if an official tax deduction receipt form is attached to the state income tax return.

(g) A candidate who does not file an affidavit with the commission pursuant to this section shall not issue an official tax deduction report form, or any facsimile thereof, to any of his contributors.

(h) If a candidate has not filed an affidavit pursuant to this section, he shall inform all contributors to his campaign in writing that they are not entitled to count their contributions to him for purposes of taking a tax deduction under this section.

**Sec. 11-227 Public notices.** (a) Forty-five days before each primary, special primary, or general election, and at such other times as may be appropriate, the commission may publish public notices in the newspaper as well as other media to communicate to the public the following:

(1) A candidate's failure to sign an affidavit pursuant to section 11-208 to abide by the expenditure limits for his respective office as imposed by this chapter;

(2) A candidate who has filed an affidavit to abide by spending limits, but who has exceeded the expenditure limits pursuant to section 11-209;

(3) A candidate who has failed to file a report required under this chapter, or who has failed to correct a deficient report after notice of such deficiency or failure to file has been mailed to the candidate pursuant to section 11-193(b) (1); and

(4) Any flagrant violation of any other provision of this chapter.

(b) In publishing a public notice under this section, the commission shall endeavor to bring fair public light to the incident or violation involved.

**Sec. 11-228 Penalties; relief.** (a) Any person violating any provision of this chapter other than in section 11-193(b) (1), shall be punishable in the manner

prescribed as follows:

- (1) If a natural person, he shall be guilty of a petty misdemeanor and shall be subject to the penalties specified therefor; or
- (2) If a corporation, organization, association, or labor union, it shall be punished by a fine not exceeding \$1,000; and
- (3) Whenever a corporation, organization, association, or labor union violates this chapter, the violation shall be deemed to be also that of the individual directors, officers, or agents of the corporation, organization, association, or labor union, who have knowingly authorized, ordered, or done any of the acts constituting the violation.

(b) Any person may sue for injunctive relief to compel compliance with this chapter.

(c) The provisions of this section shall not be construed to prohibit prosecution under any appropriate provision of the Hawaii Penal Code, including, but not limited to, sections 708-852 and 708-853 (forgery); section 708-855 (criminal simulation); section 708-856 (obtaining signature by deception); section 708-872 (falsifying business records); and section 708-874 (misapplication of entrusted property).

**Sec. 11-229 Prosecution.** (a) For purposes of prosecution for violation of this chapter, the offices of the attorney general and the prosecuting attorney of the respective counties shall be deemed to have concurrent jurisdiction to be exercised as follows:

- (1) Prosecution shall commence with a written request from the commission or upon the issuance of an order of the court;
- (2) In the case of state offices, parties, or issues, the attorney general or the prosecuting attorney for the city and county of Honolulu shall prosecute any violation; and
- (3) In the case of all other offices, parties, or issues, the attorney general or the prosecuting attorney for the respective county shall prosecute any violation.

In the commission's choice of prosecuting agency, it shall be guided by whether there will be any conflicting interest between the agency and its appointive authority.

(b) The court shall give priority to the expeditious processing of suits under this section.

(c) Prosecution for violation of any provision of this chapter shall not be commenced after two years have elapsed from the date of the violation or date of filing of the report covering the period in which the violation occurred, whichever is later."

SECTION 3. Section 235-7, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

"(g) In computing taxable income there shall be allowed as a deduction:

- (1) Political contributions by any taxpayer not in excess of \$100 in any year; provided that such contributions are made to a central or county committee of a political party whose candidates shall have qualified by law to be voted for at the immediately previous general election; or
- (2) Political contributions by any individual taxpayer in an aggregate amount



not to exceed \$500 in any year; provided that such contributions are made to candidates as defined in section 11-191(3), who have agreed to abide by the campaign expenditure limits as set forth in section 11-209; and provided further that not more than \$100 of an individual's total contribution to any single candidate shall be deductible for purposes of this section."

SECTION 4. Chapter 235, Hawaii Revised Statutes, is amended by adding a new section to read as follows:

**"Sec. 235- Income check-off authorized.** Any individual whose state income tax liability for any taxable year is \$2 or more may designate \$2 of such liability to be paid over to the Hawaii election campaign fund, any other law to the contrary notwithstanding, when submitting a state income tax return to the department of taxation. In the case of a joint return of a husband and wife having a state income tax liability of \$4 or more, each spouse may designate that \$2 be paid to the fund. The director of taxation shall revise the individual state income tax form to allow the designation of contributions to the fund on the face of the tax return and immediately above the signature lines. An explanation shall be included which clearly states that the check-off does not constitute an additional tax liability."

SECTION 5. Section 12-6, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 12-6 Nomination papers: time for filing; fees.** Nomination papers shall be filed as follows:

- (1) For members of Congress, State, and county offices, with the chief election officer or clerk in case of county offices not later than 4:30 p.m. on the sixtieth calendar day prior to the primary, special primary, or special election (but if such day is a Saturday, Sunday or holiday then not later than 4:30 p.m. on the first working day immediately preceding); provided that any state candidate from the counties of Hawaii, Maui, and Kauai may file his declaration of candidacy with his respective clerk. The clerk shall transmit to the office of the chief election officer the State candidate's declaration of candidacy without delay. However, if a special primary or special election is to be held by a county and the county charter requires that the council shall issue a proclamation calling for the election to be held within a specified period of time, and if that requirement would not allow the filing of nomination papers with the appropriate office by the sixtieth calendar day prior to the day for holding such primary or special election, the council shall establish the deadline for the filing of nomination papers in the proclamation calling for the election.
- (2) There shall be deposited with each nomination a fee on account of the expenses attending the holding of the primary, special primary, or special election which shall be paid into the treasury of the State, or the county, as the case may be, as a realization:
  - (A) For United States senators and United States representatives — \$75;
  - (B) For governor and lieutenant governor — \$750;
  - (C) For mayor — \$500; and
  - (D) For all other offices — \$250.

- (3) Upon the receipt by the chief election officer or the clerk of the nomination paper of a candidate, the day, hour, and minute when it was received shall be endorsed thereon.
- (4) Upon the showing of a certified copy of an affidavit which has been filed with the campaign spending commission pursuant to section 11-208 by a candidate who has voluntarily agreed to abide by spending limits, the chief election officer or clerk shall discount the filing fee of the candidate by the following amounts:
  - (A) For the office of governor and lieutenant governor — \$675;
  - (B) For the office of mayor — \$450; and
  - (C) For all other offices — \$225.
- (5) The chief election officer or clerk shall waive the filing fee in the case of a person who declares himself, by affidavit, to be indigent and who has filed a petition signed by at least one-half of one per cent of the total voters registered at the time of filing in the respective district or districts which correspond to the specific office for which the indigent person is a candidate. This petition shall be submitted on the form prescribed and provided by the chief election officer together with the nomination paper required by this chapter.’’

SECTION 6. **Severability.** If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the provision to other persons and circumstances shall not be affected thereby and further, the invalidity shall 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. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 8. This Act shall take effect upon its approval.

(Approved June 21, 1979.)

## ACT 225

H.B. NO. 438

A Bill for an Act Relating to Sexual Offenses.

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

SECTION 1. Section 707-730, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 707-730 Rape in the first degree.** (1) A person commits the offense of rape in the first degree if:

- (a) He intentionally engages in sexual intercourse, by forcible compulsion, with another person and:
  - (i) The other person is not, upon the occasion, his voluntary social companion who had within the previous twelve months permitted him

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

- sexual intercourse; or
- (ii) He recklessly inflicts serious bodily injury upon the other person; or
- (b) He intentionally engages in sexual intercourse with another person who is less than fourteen years old and he recklessly inflicts serious bodily injury upon the other person.
- (2) Rape in the first degree is a class A felony.”

SECTION 2. Section 707-731, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 707-731 Rape in the second degree.** (1) A person commits the offense of rape in the second degree if:

- (a) He intentionally engages in sexual intercourse by forcible compulsion with another person; or
- (b) He intentionally engages in sexual intercourse with another person who is less than fourteen years old.
- (2) Rape in the second degree is a class B felony.”

SECTION 3. Section 707-732, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 707-732 Rape in the third degree.** (1) A person commits the offense of rape in the third degree if he intentionally engages in sexual intercourse with another person who is mentally defective, mentally incapacitated, or physically helpless.

- (2) Rape in the third degree is a class C felony.”

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 26, 1979.)

A Bill for an Act Relating to an Okinawan Celebration Commission.

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

SECTION 1. The legislature finds that since the arrival of the first Okinawans in Hawaii in January, 1900, the Okinawan people have contributed significantly to all phases of Hawaii’s development. The rich culture and proud heritage of the Okinawan people have been and continue to be positive influences upon life in Hawaii, and the recognition and celebration of the important contributions of the Okinawan people and their culture are important to the need to be cognizant of the diversity of the people of Hawaii. The year 1980 will mark the eightieth anniversary of the arrival of the Okinawan people in Hawaii, and a celebration to commemorate their arrival and subsequent achievements in Hawaii is appropriate. The purpose of this Act is to

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

provide for the celebration of the eightieth anniversary of the Okinawan people in Hawaii.

SECTION 2. The governor shall appoint a temporary commission for the celebration of the eightieth anniversary of the Okinawan people in Hawaii, to include representatives from each county, labor, business, government, and from the community, to plan and coordinate an appropriate celebration of the eightieth anniversary of the arrival of the Okinawan people in Hawaii, their illustrious participation in the development of the State of Hawaii, and the culture and heritage of the Okinawan people. The commission shall be administratively within the office of the governor, which shall assist and provide such support services as may be necessary to achieve the intent of this Act.

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

(Approved June 26, 1979.)

### ACT 227

H.B. NO. 1341

A Bill for an Act Relating to Residential Leasehold.

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

SECTION 1. Section 516-1, Hawaii Revised Statutes, is amended by amending the definition of "lease" to read as follows:

"(5) "Lease" means a conveyance of land or an interest in land, by a fee simple owner as lessor, or by a lessee or sublessee as sublessor, to any person, in consideration of a return of rent or other recompense, for a term, measured from the initial date of the conveyance, twenty years or more (including any periods for which the lease may be extended or renewed at the option of the lessee)."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 26, 1979.)

### ACT 228

S.B. NO. 32

A Bill for an Act Relating to Domiciliary Care (Constitutional Amendments of Article IX, Section 2).

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

SECTION 1. **Purpose.** The purpose of this bill is to amend appropriate chapters of the Hawaii Revised Statutes to broaden the definition of "treatment" as that term is used in the statutes to include domiciliary care of handicapped persons.

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

SECTION 2. Section 334-1, Hawaii Revised Statutes, is amended by amending the definition of "treatment" to read as follows:

"Treatment" means the broad range of emergency, outpatient, intermediate, domiciliary, and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation, career counseling, and other special services which may be extended to handicapped persons."

SECTION 3. Section 348-2, Hawaii Revised Statutes, is amended by amending the definition of "physical restoration" to read as follows:

(5) The term "physical restoration" includes:

- (A) Corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes a substantial handicap to employment, but is of such a nature that the correction or modification may reasonably be expected to eliminate or substantially reduce the handicap within a reasonable length of time; and includes psychiatric treatment, dentistry, physical therapy, occupational therapy, speech or hearing therapy, treatment of medical complications, and emergencies which are associated with or arise out of physical restoration services or are inherent in the condition under treatment, and other medical services related to rehabilitation;
- (B) Necessary hospitalization (either in-patient or out-patient), domiciliary, nursing or rest home care, in connection with surgery or treatment specified in the preceding paragraph (A);
- (C) Prosthetic devices essential to obtaining or retaining employment."

SECTION 4. New statutory material is underscored.

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

(Approved June 26, 1979.)

ACT 229

S.B. NO. 1430

A Bill for an Act Relating to Fishing.

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

SECTION 1. The legislature finds that commercial fishing is a viable and important industry providing more than ten million dollars annually to our economy. A significant portion of this amount is attributed to the part-time and weekend fishers fishing from boats and the shorelines of our islands. In 1970 the legislature amended the Hawaii Revised Statutes to prohibit the sale of fish which had been taken with a spear. This had an immediate adverse impact on the availability of many species of fish in the marketplace and on the livelihood of many fishers relying on spear fishing to supplement their incomes. Two years ago, the Hawaii Revised Statutes was amended to permit the sale of u'u, uhu, and kumu taken by spear. The effect was again immediate, these species long absent from the markets were again available. Kumu, a particular favorite, is nearly impossible to take by hook, and uhu also

difficult to hook, had virtually disappeared in the markets. There are other species of fish, quite delectable and in demand by our people, that are very difficult or impossible to catch by hook and line methods.

The purpose of this Act is to remove the ban on the sale of speared fish, for a period of five years, to enhance the opportunities of the commercial fishers and to provide the consuming public with a greater variety of fish.

SECTION 2. Section 188-25, Hawaii Revised Statutes, is amended to read as follows:

**“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, turtle, or aquatic mammal 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) After December 31, 1983, it shall be unlawful for any person to sell or offer to sell any fish other than sharks, u’u, uhu, and kumu taken or killed with a spear, provided that fish may be lawfully taken or killed with a spear for home consumption only.

(d) Any crustacean, mollusk, aquatic mammal, or fish taken or 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.

(e) It shall be unlawful for any person to take any fish by the use of spears, or have in his possession any speared fish, which is smaller than the minimum size for the fish as specified in section 188-40 and any person violating this provision for the first time shall receive a citation; provided that any fine or imprisonment under the preceding subsection shall be waived. Any subsequent violation shall be punished as provided in the preceding subsection.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved June 26, 1979.)

ACT 230

H.B. NO. 520

A Bill for an Act Relating to Minors.

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

SECTION 1. Sections 577A-1 through 577A-4 are amended to read as follows:

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.

“**Sec. 577A-1 Definitions.** For the purpose of this chapter, the following terms shall be defined as follows:

“Family planning services” includes counseling and medical care designed to facilitate family planning.

“Medical care and services” means the diagnosis, examination, and administration of medication in the treatment of venereal diseases, pregnancy, and family planning services. It shall not include surgery or any treatment to induce abortion.

**Sec. 577A-2 Consent valid.** The consent to the provision of medical care and services by public and private hospitals or public and private clinics, or the performance of medical care and services by a physician licensed to practice medicine, when executed by a female minor who is or professes to be pregnant, or by a minor who is or professes to be afflicted with a venereal disease, or a minor seeking family planning services shall be valid and binding as if the minor had achieved his or her majority as the case may be; that is, a female minor who is, or professes to be pregnant, or a minor who is, or professes to be afflicted with a venereal disease, or a minor seeking family planning services shall be deemed to have, and shall have the same legal capacity to act, and the same legal obligations with regard to the giving of such consent to such hospitals and such clinics or medical care and services to be provided by a physician licensed to practice medicine, as a person of full legal age and capacity, the infancy of the minor and any contrary provisions of law notwithstanding, and such consent shall not be subject to later disaffirmance by reason of such minority; and the consent of no other person or persons (including, but not limited to a spouse, parent, custodian, or guardian) shall be necessary in order to authorize such hospitals or such clinics or medical care and services provided by a physician licensed to practice medicine, to such a minor.

**Sec. 577A-3 Providing information.** Public and private hospitals, or public and private clinics or physicians licensed to practice medicine may, at the discretion of the treating physician, inform the spouse, parent, custodian, or guardian of any minor patient of the provision of medical care and services to the minor or disclose any information pertaining to such care and services after consulting with the minor patient to whom such medical care and services have been provided under this chapter.

If the minor patient is not diagnosed as being pregnant or afflicted with venereal disease, such information as well as the application for diagnosis may be disclosed, at the discretion of the treating physician after consulting with the minor patient.

**Sec. 577A-4 Financial responsibility; counseling.** (a) If a minor consents to receive medical care and services, the spouse, parent, custodian, or guardian of the minor patient shall not be liable for the legal obligations resulting from the furnishing of medical care and services provided by the public and private hospital, or public and private clinic or physician licensed to practice medicine. A minor who consents to the provision of medical care and services under this section shall assume financial responsibility for the costs of such medical care and services. Any other law to the contrary notwithstanding, no spouse, parent, custodian, or guardian whose consent has not been obtained or who has no prior knowledge that the minor has consented to the provision of such medical care and services shall be liable for the costs incurred by virtue of the minor’s consent.

(b) Medical care and services shall include individual counseling for each minor patient by a physician licensed to practice medicine. Such counseling shall seek to open the lines of communication between parent and child.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

The foregoing became law on June 26, 1979, without the Governor's signature, pursuant to Art. III, §16, State Constitution.

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\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.



# PROPOSED CONSTITUTIONAL AMENDMENT

Proposed Constitutional Amendment

S.B. NO. 578

A Bill for an Act Proposing an Amendment to Article XVII, Section 2 of the Constitution of the State of Hawaii to Change Amendment Approval Requirement.

*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 XVII, section 2, of the Constitution of the State of Hawaii to raise the per cent of voters that the majority approving a constitutional amendment must represent from thirty-five per cent to fifty per cent.

SECTION 2. Article XVII, section 2, of the Constitution of the State of Hawaii is amended to read as follows:

## “CONSTITUTIONAL CONVENTION

SECTION 2. The legislature may submit to the electorate at any general or special election the question, “Shall there be a convention to propose a revision of or amendments to the Constitution?” If any nine-year period shall elapse during which the question shall not have been submitted, the lieutenant governor shall certify the question, to be voted on at the first general election following the expiration of such period.

## ELECTION OF DELEGATES

If a majority of the ballots cast upon such a question be in the affirmative, delegates to the convention shall be chosen at the next regular election unless the legislature shall provide for the election of delegates at a special election.

Notwithstanding any provision in this constitution to the contrary, other than Section 3 of Article XVI, any qualified voter of the district concerned shall be eligible to membership in the convention.

The legislature shall provide for the number of delegates to the convention, the areas from which they shall be elected and the manner in which the convention shall convene. The legislature shall also provide for the necessary facilities and equipment for the convention. The convention shall have the same powers and privileges, as nearly as practicable, as provided for the convention of 1978.

## MEETING

The constitutional convention shall convene not less than five months prior to the next regularly scheduled general election.

## ORGANIZATION; PROCEDURE

The convention shall determine its own organization and rules of procedure. It shall be the sole judge of the elections, returns and qualifications of its members and, by a two-thirds vote, may suspend or remove any member for cause. The governor shall fill any vacancy by appointment of a qualified voter from the district concerned.

## PROPOSED CONSTITUTIONAL AMENDMENT

### RATIFICATION; APPROPRIATIONS

The convention shall provide for the time and manner in which the proposed constitutional revision or amendments shall be submitted to a vote of the electorate. The revision or amendments shall be effective only if approved at a general election by a majority of all the votes tallied upon the question, this majority constituting at least [thirty-five] fifty percent of the total vote cast at the election, or at a special election by a majority of all the votes tallied upon the question, this majority constituting at least thirty percent of the total number of registered voters.

The provisions of this section shall be self-executing, but the legislature shall make the necessary appropriations and may enact legislation to facilitate their operation.”

SECTION 3. This amendment shall take effect upon compliance with Article XVII, section 3, of the Constitution of the State of Hawaii.

**TABLES SHOWING EFFECT  
OF ACTS**



**GENERAL INDEX**

TABLES SHOWING EFFECT OF ACTS  
TENTH LEGISLATURE, REGULAR SESSION OF 1979  
STATE OF HAWAII

Key: Am = Amended  
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 R = Repealed  
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Sp = Special Session  
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