

THE LEGISLATION

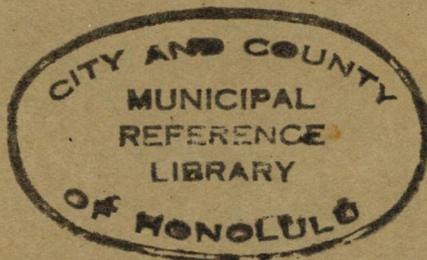
PROPOSED TO THE 1939 SESSION OF THE LEGISLATURE

BY THE

CHARTER REVISION COMMISSION OF THE CITY AND COUNTY

OF HONOLULU.

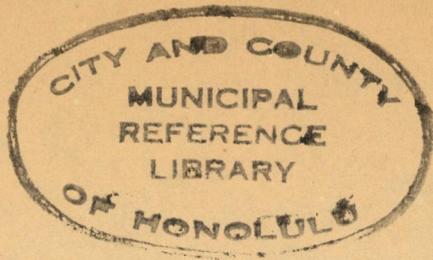
PURSUANT TO ACT 218, SESSION LAWS OF HAWAII, 1937



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Honolulu, T. H.
January 10, 1939

To the Members of
The Territorial Legislature

Gentlemen:

Herewith is submitted to you the report of the Honolulu Charter Revision Commission. This report will be formally submitted to the Twentieth Session of the Territorial Legislature, as required by the Act of the 1937 session setting up the commission. It will then be in mimeographed form, together with a digest of the Bill proposed by the commission, and said proposed Bill will be formally submitted covering amendments to such portion of the Revised Laws of the Territory of Hawaii as affect the government of the City and County of Honolulu.

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This early draft is submitted in order that you may be informed of the nature of the proposed changes in Honolulu's charter, prior to the convening of the Legislature and in ample time to provide discussion and study of such changes.

The Honolulu Charter Revision
Commission.

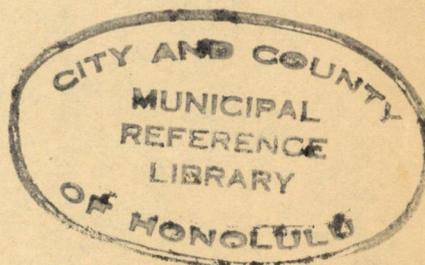
THE REPORT OF THE
HONOLULU CITY AND COUNTY CHARTER REVISION COMMISSION

The Commission:

- Hon. Lawrence M. Judd, Chairman, (Absent on mainland from 2/19/38 to 6/15/38 and since 8/19/38)
- > Hon. A. G. M. Robertson, Vice Chairman
- > Miss Marguerite K. Ashford (resigned 3/1/38)
- Mr. H. Stevens Bowen (resigned 1/25/38)
- Col. Frank O. Boyer
- Dr. Miles E. Cary
- Dr. Lai Yen Chang
- Dr. William H. George (resigned 4/26/38 on account of mainland tour)
- > Hon. Samuel B. Kemp (resigned 6/14/38 to become Justice of Territorial Supreme Court)
- Hon. John C. Lane
- Mr. Oren E. Long (appointed 4/26/38 vice George, resigned)
- Mr. Donald MacArthur
- Mr. Frank E. Midkiff
- Mr. Lawrence E. Norrie
- > Hon. O. P. Soares (appointed 3/1/38 vice Ashford, resigned)
- Mr. T. G. S. Walker
- Mr. A. A. Wilson (appointed 1/25/38 vice Bowen, resigned)
- Mr. Clifton H. Yamamoto

- > Harry Hewitt
> Nils Tavares
> Geo Kimball

January 10, 1939.



CHARTER REVISION COMMISSION ACT:

Series E - 242, Act 218 was passed by the 1937 Territorial Legislature providing for a commission to revise the charter of the city and county of Honolulu. The Act reads as follows:

HONOLULU CHARTER COMMISSION

AN ACT CREATING A CHARTER REVISION COMMISSION FOR THE CITY AND COUNTY OF HONOLULU, PROVIDING FOR ITS APPOINTMENT, POWERS AND DUTIES, AND FOR THE SUBMISSION TO THE LEGISLATURE OF THE TERRITORY OF THE PROPOSED CHARTER TO BE DRAFTED BY SUCH COMMISSION.

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

Section 1. There is hereby created a charter revision commission of the city and county of Honolulu for the purposes hereinafter provided. The commission shall consist of fifteen (15) members who shall be appointed by the mayor of the city and county of Honolulu with the approval of the board of supervisors, one of which members shall be named by said mayor in his appointment as chairman. Any vacancy in the membership of such commission shall be filled in the same manner as the original appointment was made. The commission may make such rules for the conduct of its proceedings as it may deem necessary or appropriate. No member of the commission shall forfeit any other office or be precluded from accepting any other office by reason of his appointment as a member of such commission.

Section 2. The commission shall make a study and analysis of the existing governmental structure of the city and county of Honolulu for the purpose of securing such factual data as will enable it to draft, and the commission is hereby directed to draft a proposed new charter, adapted to the requirements of such city and county and designed to provide for the people of such city and county a more efficient and economical form of government. Such charter shall set forth the structure of the city and county government and the manner in which it is to operate. The study of any subject relevant to the property,

affairs or government of the city and county of Honolulu, or of the laws relating thereto, or of any matter or thing deemed by the commission to be pertinent thereto, shall be deemed within the scope of the commission's work hereunder.

Section 3. The commission may hold public hearings at any place in the city and county of Honolulu and shall have power to administer oaths, take testimony, issue subpoenas and compel the attendance of witnesses and the production of books and papers so far as may be necessary for the performance of its duties. The commission shall have access to the books, papers, records, and documents of each and every office, officer, board, bureau, body, department, division, authority, district or other agency of the city and county of Honolulu. The commission shall receive such assistance from any city and county officer or employee without extra compensation, as it may request to carry out its functions, notwithstanding any provisions of law to the contrary. The commission shall have power to appoint and at pleasure to remove a counsel and a stenographer and such assistants, employees and experts as it shall deem necessary, and to fix their compensation.

Section 4. The members of the commission shall receive no compensation but shall be entitled to be reimbursed for the actual and necessary expenses incurred by them in the performance of their duties hereunder.

Section 5. The proposed charter shall be submitted to the next regular session of the legislature, at which time the terms of office of the members of the commission shall expire.

Section 6. The board of supervisors of the city and county of Honolulu is hereby authorized, empowered and directed to appropriate and make available to the commission a sum of money sufficient to defray the expenses of the commission in

the performance of its duties under this Act. Such moneys shall be paid out of the treasury of the city and county of Honolulu on the certificate of the chairman of the commission after audit by and on the warrant of the auditor of the city and county of Honolulu.

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

(Approved May 15, 1937) H.B. 332, Act 218.

Honolulu, T. H.

January 10, 1939.

To The Honorable Members of the
Territorial Senate and House of Representatives
Twentieth Regular Session of the Territorial Legislature

Honolulu, T. H.

Gentlemen:

The charter revision commission for the city and county of Honolulu, created by Act of the Nineteenth Regular Session of the Territorial Legislature, herewith submits its report to the Twentieth Regular Session of the Territorial Legislature. This report consists of the following:

- (a) This present report, giving reasons for the action of the commission in preparing the main items in the Act submitted to the Legislature.
- (b) A digest explanatory of changes proposed, item by item, which digest is attached to this report.
- (c) The proposed Act which the commission recommends.

The charter revision commission has held approximately fifty meetings, as well as numerous subcommittee meetings on special subjects. Twelve of these meetings were advertised as public hearings in various places throughout the city and county for the convenience

of the public. All meetings have been open to the public. Large numbers of organizations, clubs, department heads, and interested citizens have been interviewed regarding the needs of the city and county in respect to legislation.

CHANGES IN GENERAL

No radical changes are recommended, but many evolutionary improvements are desirable and are recommended in the report. On the whole the commission found that Honolulu has good government and good traditions of government, which is due to the high quality of the leaders of the city and county and the territory. The traditions and persons in government are always more significant than the form of government. "That government is best that is best administered."

THE BOARD OF SUPERVISORS

No change is recommended in the number or manner of election of the city council, known as the board of supervisors. The number remains seven, and they are to be elected by the voters of the entire city and county as at present.

The commission believes nothing would be gained by adding additional members and seven is not too many. It is further believed essential to have all supervisors familiar with the people and the problems of the entire city and county and directly responsible to all parts of the city and county, elected at large by the entire electorate. It is deemed unwise to return to the old "Ward System" of electing supervisors from, and to represent specific sections of, the city and county. The problems of all parts of the city and county are interdependent; the extent of the county is not greater than that of many cities; and transportation and communication facilities make contact with all sections a simple matter and desirable for each supervisor.

Many suggestions were made at first for having supervisors elected from and to represent the rural districts. The idea was usually to increase the number of board members by adding two

additional rural members. However, as the matter was discussed and studied, these suggestions were withdrawn in nearly all cases, for it was felt that such procedure might result in a condition where the majority of city resident supervisors would feel themselves specially responsible for matters falling within the city limits and thus the rural districts might not fare as well as they do at present.

The commission in its public hearings found no evidence that any portion of the city and county, rural or urban, had been neglected, or had received undue consideration at the expense of other portions. On the whole all portions have fared well although all sections can specify many things that they would like to have but which the finances of the city and county could not afford.

ELECTIONS

Many cities are modernizing and improving their elections by adopting Proportional Representation. This together with non-partisan elections as well as elections by wards or districts was considered carefully by this commission. It was felt that Proportional Representation and non-partisan elections would tend, at the present time, to encourage racial, economic, district, or religious bloc voting. The party system tends to minimize bloc voting and administration. Without party loyalty and support other less desirable types of loyalty and support might become manifest.

However, it is the belief of the commission, although not strictly within the limits of city and county charter provisions, that improvement in the territorial election laws to provide closed party primaries and to eliminate "plunking" is necessary. The charter amendments as submitted do not cover this subject, since this is a territory-wide issue.

SHORT BALLOT

The electors now elect several administrative officers. Best practice and theory call for a "short ballot", in which only the council (board of supervisors) are elected, with probably an auditor elected or else a Certified Public Accountant appointed as an

auditor. We now elect the mayor, the treasurer, the auditor, the clerk, and the sheriff as well as the board of supervisors.

Relatively, however, our ballot is short. It is possible for the electors to know someone for whom they are to vote in each office. Furthermore, practically the additional elective offices have heretofore been fairly well split among the parties and this has given satisfaction. Also, the few additional elective offices have permitted persons of various groups to seek and obtain election, which has had beneficial effects.

Accordingly the commission does not recommend changing the above mentioned elective administrative offices to appointive ones at this time.

LENGTH OF TERM

Many people, including a minority of the commission, favor a four-year term for elected officials. They have stated that the two-year term for elective officials is too short, believing that the first months are needed for acquainting the officials with their jobs and that a large part of the remainder of their two-year term is spent building political fences preparatory to the ensuing election. Some people have advocated the four-year term for elective officials and still others have thought that a six-year term, with a provision that there be no succeeding one's self in office, would be best. The four-year term is in vogue in most American cities; nearly all recent charter revisions have established the four-year term. It is felt that if the voters realize that their officials will be in office for four years they will be more careful in their selections.

On the other hand, it is pointed out that to have incompetent officials in office for four years might be very embarrassing; that needed legislation may be delayed for long periods through procrastination or by reason of factional strife; and that the longer term might be apt to render the incumbent less responsive to public opinion.

In the past the public interests have suffered by reason of the fact that the mayor was of one political party while the majority of the supervisors were of another. Four-year terms under such a situation would be intolerable.

Although a two-year term is too short for a capable and efficient officer, a four-year term would be much too long for an incompetent and undesirable one. But if an elected officer has, during a two-year term, demonstrated his ability and efficiency to the satisfaction of the electorate, his reelection, if he should desire to serve again, would be assured and his services retained.

In some places the recall system is provided for officials who have a four-year term or longer, but without exception those who have spoken before the charter revision commission have explained that recall has not worked satisfactorily where it has been tried and that it would not be beneficial for Honolulu.

The commission does not recommend extension of the term of office beyond two years, the present term, for the elected officials of the city and county of Honolulu.

INITIATIVE, REFERENDUM, AND RECALL

The three popular devices, initiative, referendum, and recall, are in use in many places. These devices were hailed a few decades ago as great popular schemes whereby the people could (1) initiate and require direct action on legislation where councilmen were dilatory or negligent, (2) veto at the polls any of the council's

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CITY AND COUNTY OF HONOLULU

legislative acts, and (3) hold public officials continually responsible to the electorate by the use of popular vote to recall any elected official.

The charter revision commission does not recommend any one of the above three devices for Honolulu at present. It is believed that the initiative would accomplish little but expense, since our supervisors are sufficiently alert in the making and passing of ordinances wherever there is a popular demand or a need for such laws, and that it is much better to have ordinances carefully drawn by officials after careful consideration of problems with which they are in constant touch.

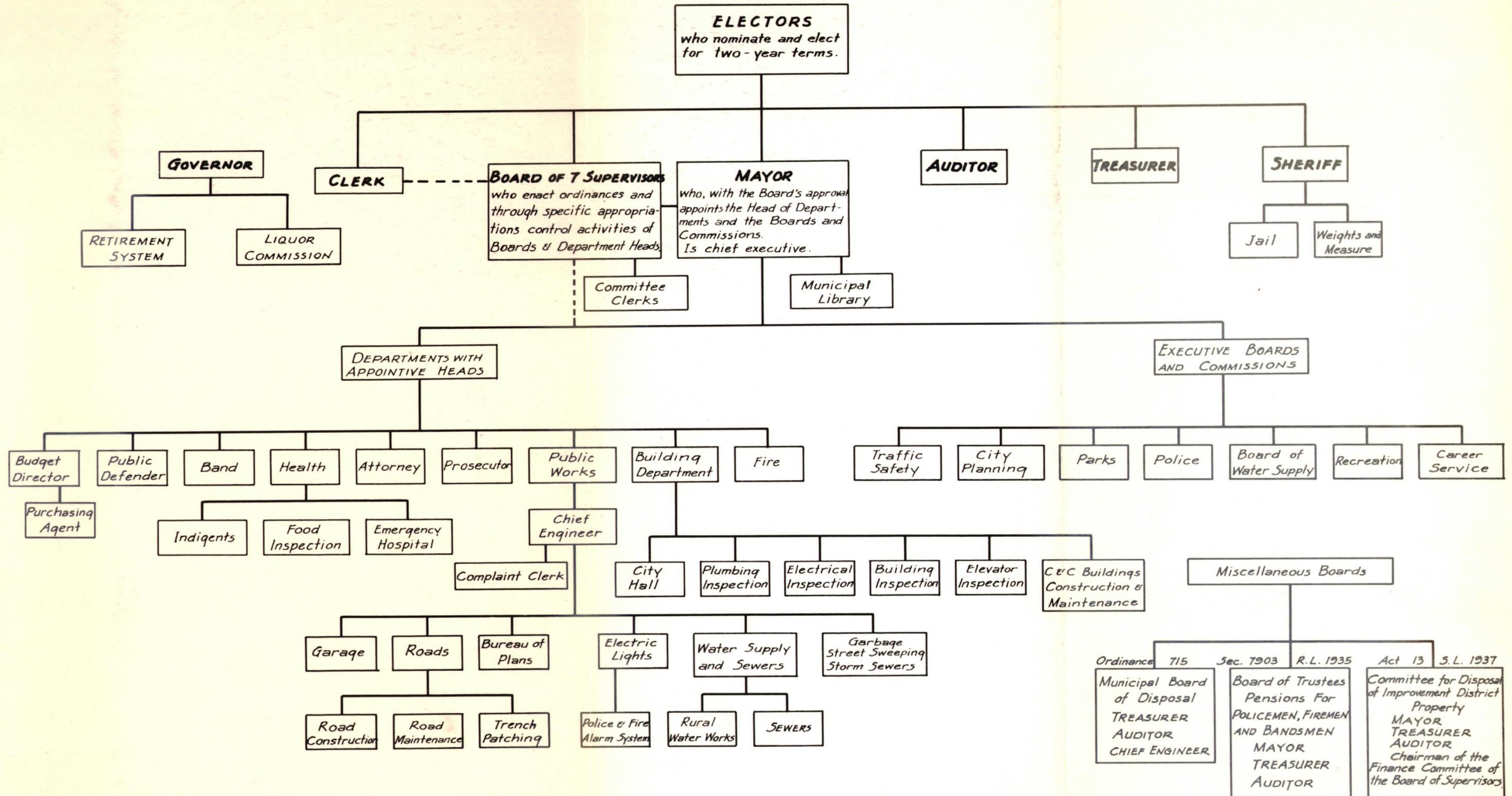
As to the referendum, experience elsewhere shows that this device, like the initiative is proving of only theoretical value. The people in actual practice do not inform themselves and act directly on issues. They prefer to use the less cumbersome and more practical method of requiring their elected personnel to enact or amend or cancel laws and ordinances, after such personnel has given the subjects careful study. If the elected personnel does not provide wise legislation and good government, it is then that the electorate prefers to act, express its opinions, and send better men to office.

The recall is manifestly unnecessary with the two-year term. Nor is it proving an unmixed blessing in longer terms where it is in effect.

ADMINISTRATIVE VERSUS POLICY FORMING FUNCTIONS

Administrative conflict is apt to arise always when the legislative or policy forming functions of government are confused with and not separate from the executive and administrative functions. The commission has attempted to define these two spheres in many places where there has been a lack of clarity in legislation and practice. Legislative functions in the amended charter rest with the board of supervisors, and within limited spheres with certain appointive commissions, which will be discussed later. Administrative functions

PROPOSED ORGANIZATION CHART OF GOVERNMENT OF THE CITY & COUNTY OF HONOLULU



are vested in the mayor, the department heads, and, within their proper spheres, in the executive officials of the commissions.

It is worthy of note that the city and county officials who spoke before the commission in the public hearings, unanimously indorsed the idea of clearer definition and suitable separation of administrative and legislative duties in the new charter.

PROPOSED ORGANIZATION CHART OF CITY AND COUNTY GOVERNMENT

(attached)

TYPE OF GOVERNMENT

The attached chart shows the mayor to be the chief executive officer, but there are dotted lines down from the box of supervisors, showing their partial control of administration through influencing appointments and making all money appropriations for each department as requested item by item and month to month, even after the budget has been initially approved and adopted.

The mayor has considerable independence, although he is required to administer ordinances made by the board and his appointments must be approved by the board.

Being independently elected, the treasurer, auditor, clerk, and sheriff have less responsibility to the chief administrative officer - - the mayor - - and to the board of supervisors than some people think desirable.

The commission finds that this form of government is well suited to Honolulu's present needs. The board's approval of appointments is believed to be desirable, and it is doubted that conflicts between mayor and board in selecting appointive heads will be serious but rather it is believed that such a check will result in more careful selection of men. Also, the check of the board upon expenditures currently is held to be desirable and wise and not

obstructive to necessary operations.

The commission gave long and careful study to the "strong-mayor" type, the commission form, and the council-manager (city-manager) type of government. The commission is not convinced that any of these forms would improve our government at present, even though the city-manager type is proving advantageous in many other cities. It is believed that our present form of government, together with the proposed new career service, the efficiency bureau and budget officer, and the improved service and status of certain of our present commissions, will be the best type of government we can recommend at this time. It is felt that such type will call for the broadest measure of interest and participation in governmental affairs by citizens, affording continuous substantial opportunities for service to many public spirited men and women, and holding the attention of the electorate.

The commission form of government seems to be passing out in America. Its chief defects are that the several commissioners each tend to consider their own departments rather than the welfare of the city as a whole, and often a political majority of commissioners unfairly cramp the commissioners who are in the political minority, thus causing the latter to make a poor showing. Furthermore, commissioners are not necessarily less apt to misconduct or incompetency than are councilmen.

The "strong-mayor" plan's chief characteristic is that an elected mayor makes appointments without the check of the board's approval, and he may have freer control over budgeted expenditures. However, in Honolulu such "checks and balances" do not appear to be abused, and they seem to result in popular action as a rule.

The city-manager plan in itself is a more business-like set up than the mayor-council plan. It is analagous to the shareholders-directors-manager plan of a private corporation. Yet again, this plan is not in itself a guarantee of good government. It should

improve administration, but cases exist where improper managers have been chosen and the results have been bad. Also, a tendency has been manifested for the people to take less interest in their government and for the individual voter to have no more voice in government than has the individual small share-holder in the management of a large corporation. Unless the people are generally interested in government, the government is very apt to deteriorate. The mayor-council plan does insure voters' interest in Honolulu, and it is giving us good administration at present. The charter revision commission cannot recommend adoption of another type of government on theoretical grounds when there is no need for such change.

EXECUTIVE COMMISSIONS

Honolulu has had many years of experience with commissions. These have been of two kinds - advisory and executive. Commissions may at first be only advisory, and as they gain experience and data, they become more and more useful, and such experience and use increase their influence. They usually function in technical fields that require the earnest application of able citizens many of whom although willing to serve on such appointive commissions, would not be willing to go through the strain and uncertainties of the time consuming two-year elections in order to serve the public. As these advisory commissions develop ability to serve and thereby increase in authority, the tendency has been to make them executive commissions. The commissions are appointed by the mayor with the board's approval, and they may be removed at any time by the appointing authority. The executive commissions make rules of procedure for themselves within the fields prescribed by law and ordinance, and appoint their own employees (in the future to be subject to the career service provisions if enacted by the legislature.)

Theoretically such decentralization of rule making and administrative authority is open to serious criticism. But in Honolulu

the commissions are working well and performing many services, at no cost to the tax payers, which the board of supervisors and the department heads could not perform without greatly increasing their paid staffs. Also, the commissions enlist the services of scores of Honolulu's ablest men and women, who otherwise would not take any consequential part in government or public affairs. The charter revision commission by careful inquiry found no disposition on the part of the public to abolish the board of water supply, the police commission, and the other commissions. It is recommended that the present commissions be continued and that the traffic safety commission and the city planning commission be made executive commissions instead of retaining their former advisory status. The work of both these commissions is highly technical and requires a long period of constant application with adequate authority in order to cope with the pressing and important problems in their fields.

CITY PLANNING

Already many costly mistakes have been made in the evolutionary development of Honolulu due to the lack of authoritative city planning. Each year things are being done, money misspent, and wrongs compounded because there is not a full and complete master plan for the city's growth and because there is not adequate planning and control of zoning and subdivisions. Our present city planning commission needs more authority and it needs to redouble its efforts and work out in detail what the city of Honolulu's possibilities should be. Faced with the opportunity to develop the most lovely city in the world, Honolulu is annually permitting the expenditure of public and private funds on "that which satisfieth not" and which leads to economic, health, and social maladjustments. Honolulu needs a carefully prepared, official "Master Plan," drawn as soon as possible but always subject to revision and improvement as needs become clearly evident in the future. It is believed that Honolulu should have a city planning commission composed of men and women of great vision and ability, with adequate staff, and endowed with authority and obligation to lay sound plans for not only the next ten or twenty years' capital expenditures, but also for the Honolulu of fifty and a hundred years hence. Such an executive commission is provided for in the recommended charter revision.

Zoning, subdividing, traffic arterials, great recreational areas, beautiful canals instead of "drainage ditches," and many other problems requiring careful technical study and artistic insight as well as social and economic understanding, are the concerns of such commission. Possibly of even greater importance than the control of public improvements is the control of private construction and development for private use in conformity, however, with the master plan of the city. These matters do not yield well to the efforts of elected officials.

TRAFFIC SAFETY COMMISSION

In addition to constant study of rapidly mounting problems of handling vehicular traffic in the city and county, there are technical problems in planning wisely and economically for the ever increasing need of arterials, by-passes, under-and-over-passes, etc., required in connection with the growth of the city in conformity with sound city planning. Indeed the traffic safety commission must necessarily work harmoniously with the police commission, and the department of public works, as well as the park board. The board of supervisors cannot be expected to enact ordinances covering every detail of traffic control. Such details require constant study by well trained traffic engineers and much experimentation is necessary. It is therefore felt advisable to give the traffic safety commission an adequate staff and authority to make traffic rules and regulations within certain prescribed limits and constantly to study and try out improvements. To function adequately the traffic safety commission should be an executive commission. As such it will enlist the services of able men and Honolulu will evolve satisfactory solutions to the embarrassing traffic problems that are developing rapidly year by year.

PARK BOARD

The park board has far reaching opportunities and responsibilities for planning and developing the great recreational areas of the city and county. It also is faced with the problem of developing local play areas and school playgrounds so they will serve the people of the various neighborhoods. These latter are more current problems. But the appraisal of the possibilities of the beaches, headlands, rivers, canals, and large areas both as to recreational and as to beautification aspects, is a task, like that of city planning, requiring great vision and technical qualifications. Here again, Honolulu offers unsurpassed possibilities. What is done should be in conformity with a plan for the distant future. This requires constant and enlightened study and for such work there are many able men and

women who would gladly contribute their services if the park board is endowed with adequate authority within the limits set by law. It is recommended that the park board be continued as an executive body in this sense, so that sounder and more farsighted development may result than would be the case if the matter were subject to the political sensibilities of elected officials or were left to a board of supervisors that may not always see the wisdom of steady development according to a long range plan.

EXISTING DEPARTMENTS

No changes are recommended in this charter revision affecting the organization of existing city and county departments. If changes are necessary or as they may become wise, it is expected that the efficiency bureau and the various commissions, as well as the department heads, and their staffs, will see that such changes, as are found necessary from careful study and experience, are recommended.

ADVISORY BOARD FOR PUBLIC WORKS DEPARTMENT

During the discussion of executive commissions the question was raised as to the possible value of a commission or board to serve in the field of public works. Considerable study was given to this recommendation and the charter revision commission realizing that Honolulu is equipped with the city planning commission, decided that there is no necessity for anything in the way of an executive commission in the field of public works. The belief arose, however, that it might be of considerable advantage to the city engineer to have a small advisory board to which matters requiring study as to policy and as to technical details might be referred by the mayor.

It is emphasized that such a board as is recommended in the new charter is strictly advisory in capacity. It is to be composed of five members, at least two of whom are to be engineers, duly licensed as such under the laws of the territory. It is expected that the other three members will be business men who

have had considerable experience in construction problems. This advisory board provides an opportunity for public spirited citizens with the proper experience to serve the city and county in connection with problems that will be arising currently and that must be met in the best practical manner, so that current funds will yield the greatest returns, be most economically expended, and will accumulate results in line with the long term plan of the city.

LEGISLATIVE MANDATES

Hawaii has profited greatly throughout the history of the territory from the farsighted statesmanship of persons drafting the organic act and the early territorial laws and plans of government. For example, where many states have departments of education for the state, for each county, for municipalities, and often for townships, Hawaii has one department of public instruction for the whole territory which insures equal educational opportunities and facilities to all parts of the territory. Hawaii has only one tax assessing and one tax collecting organization. It has only one board of harbor commissioners, etc. This administration on a territory-wide basis has insured orderly growth and development of the territory as a whole at a minimum both of overhead expense and conflict of local authorities.

The finances of the territory and of the counties must be considered as a whole. There is a strong mutual interdependence among the counties, and Honolulu is dependent upon the other counties just as they in turn are dependent upon and tied in with Honolulu.

Since taxes are centrally assessed on bases applicable alike to all parts of the territory, and are centrally collected, it is necessary that the legislature carefully consider the overall needs of the territory and of each county in making out the general appropriation and loan fund acts. This permits the legislature to direct expenditures according to plans that

are considered best for the territory as a whole.

Nor is it considered adequate simply to allocate definite total sums to each county by the legislature, but rather to specify or "mandate" that from the total sums made available to the counties, certain portions shall be expended to carry on items or activities that have been instituted by the legislature or by certain boards of supervisors -- activities that must not be jeopardized or allowed to atrophy due to lack of financial support. This may be looked upon as an insurance and guarantee on the part of the legislature to provide for activities that are regarded essential from the territorial point of view, even though circumstances might arise within the terms of certain elected board of supervisors that would cause such boards to delete appropriations for such necessary activities or divert funds to activities of less importance to the territory as a whole, considered in a long-term perspective.

For these reasons, the charter revision commission, without approving of all the legislative mandates with which the municipal government has been burdened, believes that mandates imposed in connection with certain established and necessary activities, such as the police commission, the park board and the special school fund, should be retained.

CAREER SERVICE

One of the strongest trends in government in recent years is toward adoption of the career service, a form of securing employees that provides conditions under which anyone interested in public service may wisely elect to do his life's work.

Career service was originally only a negative government administrative device, designed to overcome the spoils system

under which employees of one administration were expected to be turned out without ceremony to make room for "the faithful" of the succeeding administration. Under the spoils system there was neither proper concern for fitness or qualification of employees, nor was there anything like security in one's chosen calling.

While the modern career service provides in a fair manner for the separation of the unfit from the service, and thus enables an administrator to have adequate direction of the employees under him, it also provides that those who are qualified may secure employment without reference to race, creed, or political affiliation, and it enables all those who render good service to progress from grade to grade, and from class to class, depending upon ability and quality of service rendered. It renders government service free from "politics" and political patronage. The greatest function of the career service system is to improve government personnel and the public service rendered by such personnel.

It is recommended that there be a carefully selected, able career service commission to make rules of service and to set up classifications and grades, affording equal pay for all doing comparable work. It is recommended that this career service commission select, under the provisions of the career service examinations and qualifications, an outstandingly well qualified, experienced personnel administrator, who, in cooperation with the department heads and under the direction of the career service commission, will administer the system impartially and effectively. The career service commission is a policy determining organization, and is a body to whom appeals are made in case of disagreement with the action of a department head or of the personnel administrator.

Since the work of the members of this career service commission is necessarily detailed and voluminous, it is provided that the members each shall receive five dollars per day when

they meet to transact business, but not to exceed fifty dollars each in any one calendar month.

Classified positions within the career service include all city and county employees except the following:

Private secretary to the mayor; positions filled by persons employed by contract to render special or temporary services, etc.; elected officials; members of boards and commissions; city and county attorney and his deputies; public prosecutor and his deputies; public defender; members of the police department; city and county physician and his assistant physicians; chief engineer of the city and county; manager, board of water supply; district magistrates; and certain other positions financed jointly by the city and county and other organizations such as the United States government, etc.

All firemen with present civil service status and all present city and county employees with more than one year's service shall receive career service classification without examination. All present employees with less than a year's service shall receive career service appointments when they shall have completed a year's service and shall have passed a non-competitive examination in such way as to demonstrate their fitness for such classification.

The compensation schedules recommended are those recommended in the closing report of the federal classification system commission, but it is within the power of the career service commission and the board of supervisors to prescribe maximum and minimum salary rates for each class and to alter the entire salary schedule by a horizontal percentage applicable to all classes and grades and to all other personnel of the city and county, thus adjusting the total payroll to the funds available in the approved city and county budget.

BUDGET AND EFFICIENCY BUREAU: DIRECTOR; PURCHASING AGENT

The preparation of the city and county budget is clearly an administrative function. The approval of the budget, or

the amendment and the adoption of the budget are legislative functions belonging to the board of supervisors. In the past the preparation of the budget has been thrust upon the finance committee of the board, which is not correct administration.

The preparation of a proper budget involves continuous studies of the needs of the city and county and a running appraisal of the proper personnel, equipment, and supplies to meet these needs. It also requires constant checking and appraisal to determine whether or not each department is functioning effectively and economically and whether savings may be made in any department or expansion may be needed in any part. To do such work adequately requires that an efficiency bureau with a well qualified and competent director be provided.

Although our board's finance committee has been most faithful and earnest in this field in the past, it is unfair to expect board members who are supposed to give but a part of their time to city and county affairs, to be constantly studying these efficiency problems, comparing the various departments' efficiency and comparing Honolulu's administration with that of other well administered American cities. All throughout the year the efficiency bureau director should be conferring with department heads and checking services, and determining the budgetary requirements for the following year. When each department head submits his estimated needs for the following year, the director should know in detail of the work being or to be done and should complete each departments' budget and prepare a budget for the entire city and county, which budget is then submitted to the mayor. The mayor presents this budget to the board, and the budget director is available for advice on each item. The board then acts upon a carefully studied and prepared budget. A budget so adopted should provide for necessary departmental changes and improvements and for highest possible efficiency in the use of funds.

The efficiency bureau should have centralized purchasing

by a well qualified purchasing agent. As this purchasing agent gains in experience and ability, he should become able to reduce costs and save in quantities, as well as to render supplies more promptly available when needed. He will keep careful inventories, as well as adequate quantities of supplies and equipment, and will labor to reduce waste and unnecessary purchases. He will purchase in such quantities as will offer greatest practicable savings. This may eventually require the establishment, by the board, of a revolving fund. He will provide for full competition in bids to furnish supplies and equipment. He will standardize articles, establish sound specifications, and check quality and quantity of goods received.

Experience in other cities where centralized purchasing has been provided, shows that annual net savings average not less than five percent and are often as much as fifteen or twenty per cent. These are net savings after allowing for expense of the purchasing department salaries, warehousing, etc.

The charter revision commission, after careful study of this problem, is of the opinion that centralized purchasing will prove a definite economy if a competent man is secured for the work.

PUBLIC DEFENDER

At the present time Honolulu has no "public defender", but persons unable to obtain their own counsel in criminal cases have counsel appointed in their behalf by the courts. The annual expenditures for such miscellaneous appointed counsel would support the office of a well qualified attorney whose responsibility would be to defend all indigent persons in criminal cases in the circuit courts. Experience in many other cities has revealed that a public defender more adequately meets the needs of the public, inasmuch as it provides some one person who is always available and whose public position requires him to render thorough attention and his best possible

service to cases referred to him.

EMERGENCY RESERVE FUND

This commission recommends that the city and county be required to set aside out of current funds annually not less than \$25,000.00, until a sum of \$250,000.00 shall have been accumulated, to build up an emergency reserve fund for sudden emergencies. This fund is to be kept invested in fluid bank certificates of deposit and is to be used only in the event of an emergency resulting in serious loss of, or danger to, life or property and for providing public relief from the consequences of such emergency.

SIDEWALKS, CONSTRUCTION AND MAINTENANCE

The government constructs highways. These highways carry automobiles whose number and speed are constantly increasing, and this constitutes a grave danger to pedestrians. To care for pedestrians there should be sidewalks, with adequate separating curbs or spaces between these sidewalks and the highways wherever there is any considerable pedestrian traffic, such as along city streets, rural highways approaching schools or villages, etc.

Studies of traffic problems on the mainland and elsewhere reveal that fast automobile traffic is a serious public danger unless proper sidewalks are provided. The government that constructs the highways cannot escape responsibility also for providing sidewalks.) Sidewalks are as much a public necessity as are highways, and to leave the construction of sidewalks to property owners is hardly more effective than it would be to leave the construction of highways to such property owners.

This commission recommends that the city and county be required to assume the responsibility for, and expense of, constructing and maintaining sidewalks in the city and county of Honolulu, except where they are included in a special improvement project by assessment initiated under Chapter 92.

AUDIT

It is recommended that the books of the treasurer be examined monthly and the books of every other department, board,

and officer of the city and county be examined semi-annually by the auditor to see that they are correctly kept.

LEGAL DEPARTMENT

Formerly, the city and county attorney and the public prosecutor were prohibited from engaging in the private practice of the law.

This commission believes that the rule was eminently sound, and that it should be restored.

Those officials and their assistants are expected, and should be required, to give their entire time to their official duties, and they should be, and presumably are, paid adequate salaries to that end. That they should have private clients who seek favors at the hands of the government, or whose interests might come into conflict with those of the municipality, is incompatible with the right of the public to independent representation with respect to legal matters, both civil and criminal. A man cannot serve two masters.

It is therefore recommended that those officers should not be permitted to take private practice.

ASSIGNMENTS OF SALARIES: ENDORSEMENTS OF NOTES: LOANS

This subject deals with much abused activities among government employees generally and among the employees of our city and county in particular. It has been pointed out that embarrassments are constantly occurring due to employee's assigning substantial portions of their salaries to creditors. Also, there is said to be inter-employee lending and it is easily seen that abuses could occur in this field. It is unfair to expect employees to indorse each other's notes, both to the employee himself and often to the creditor where employees may indorse note after note for each other reciprocally. It is proposed to do away with any assignment of salary unless approved by the employee's department head and accepted by the auditor; also, to estop an employee from lending money to another employee for interest; and to forbid one employee's indorsing the note of another employee unless written consent to such indorsement shall have been given by the head of the department, board, or commission in which the indorser is employed.

DETAILS

Many minor details are not referred to in this report, but the major changes and recommendations have been explained and the reasons given for the commission's recommendations. Such details are explained in the attached digest.

CONCLUSION

The charter revision commission is aware that it has had the opportunity to make far more sweeping recommendations for change than it has made. However, it is felt that the adoption of such proposals as the career service, a budget officer, efficiency bureau, and centralized purchasing, as well as the clearer definition of legislative and administrative functions, will have far reaching effects and will require time to absorb and set in proper functioning.

These changes will have profound effects upon the type of political leadership that will be required. The old type "political machines" are apt to become things of the past and new and better appeals will be made for popular support of elective officers. The retention of the mayor-council plan of government recognizes the need for party and political leadership of high quality based on merit and not on "organization". The retention of executive commissions guarantees the continuance of devoted public service to the city and county of large numbers of able men and women. As time goes on, it may be found that these commissions will have served their purpose and many of them may be replaced by departments with department heads under a "strong-mayor" or a city-manager set-up. But inasmuch as our mayor-board, commission, and departmental set-up is functioning so well at present, it is thought that such further changes should await a more clearly

felt need. When the benefits of further changes are evident, it is hoped that Honolulu will not hesitate to make such changes, just as the charter revision commission hopes that the proposed milder but soundly evolutionary changes will be adopted by legislative act in 1939.

It is believed that what has proved useful in the former charter has been retained, and only what is clearly regarded as sound amendments and additions under present conditions have been made.

Respectfully submitted,

THE HONOLULU CHARTER
REVISION COMMISSION.

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DIGEST OF BILL SUBMITTED BY CHARTER COMMISSION

SECTION 1:

This section amends chapter 78 of the Revised Laws, which contains certain "General Provisions" relating both to county and city and county government.

(1) Deletes from section 2310 (page 1 of the bill) superfluous form of the bond of officers, and merely requires them to be substantially in the form prescribed by section 134 (which is the same as the deleted form) and requires that sureties thereon be corporate fidelity companies.

(2) Deletes from section 2311 (page 2 of the bill) the superfluous portion which dealt with personal sureties and specifically provides (which had not been done before) that bonds of officers other than the mayor and members of the boards of supervisors shall be approved as to sufficiency by the officer with whom they are required to be deposited.

(3) Deletes the old section 2321 (page 2 of the bill) which dealt solely with plumbing fees and replaces it with a broad provision to the effect that salaries for county officers and employees shall be in full compensation and that all other moneys belonging to the county coming into their hands as such officers or employees shall within 30 days be turned into the county treasury.

The same result is accomplished regarding the city and county by section 3126, as amended by subsection (64) of section 4 (page 47) of the bill.

Sections 2883 and 3091 in turn cover the disposition by the treasurer of county and city and county funds respectively.

SECTION 2:

This section amends chapter 79 of the Revised Laws pertaining to highways, sidewalks, parks, etc.

(1) Excepts in section 2359 (page 3 of the bill) the city and county from the requirement that abutters shall at their own expense construct, maintain and repair sidewalks and curbs.

(2), (3) and (4) (page 3 of the bill) except the city and county from the provisions of sections 2360, 2361 and 2362, respectively.

(5) Restricts in section 2363 (page 3 of the bill) the forfeiture to the owner for unlawful use of sidewalks to those constructed at the expense of the owner.

(6) Covers for the city and county in section 2365 (page 4 of the bill) the same subjects covered for the counties by (1) to (4) above, and requires the municipal government to pay for the construction of sidewalks except where they are included in an improvement project under chapter 92.

(7) Requires in section 2366 (page 4 of the bill) the municipal government to repair, maintain and keep clean all sidewalks in the city and county. Formerly the owners were so required.

(8) Adds a new section (page 4 of the bill) declaring that nothing in chapter 79, which deals with, among other things, highways, sidewalks, public parks and the Hawaii Housing Authority, shall limit the powers of the city planning commission or the traffic safety commission, later dealt with in the bill.

SECTION 3:

This section (page 4 of the bill) amends chapter 82 merely by making applicable to the city and county liquor commission the career service and classification provisions found under subsection (70), section 4 of the bill.

SECTION 4:

This section amends chapter 88, which contains what is in effect the present charter of the city and county of Honolulu.

(1) Deletes a now obsolete section 3003 (page 5 of the bill) declaring the city and county the successor of the county of Oahu.

(2) Merely deletes from section 3004 (page 5 of the bill) now obsolete provisions also.

(3) Makes appointments by the board of supervisors in section 3007 (page 5 of the bill) subject to career service (subsection (70) hereof); clarifies what punishment of members may be, namely, suspension without pay for not more than one month; requires vote of five members to do so; and permits expulsion of non-members by majority vote of those present.

(4) Changes the present provision in section 3009 (page 5 of the bill) that regular meetings of board shall be on every other Tuesday and permits them to determine when both regular and special meetings shall be held.

(5) The present section 3010 requires that every legislative act of the board shall be by ordinance, whereas much of its legislation has ever since the inception of county government been by resolution adopted on three

readings and approved by the mayor. Matters of permanency, such as penalties, etc., have been enacted by ordinance and codified with the city and county ordinances, whereas matters of only present interest, such as appropriations, etc., have not.

Subsections (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14) (pages 6-11 of the bill) broaden these powers so the board may legally enact legislation by resolution adopted and published in the same manner as ordinances, and such resolutions are given the effect of ordinances.

Subsection (6) (page 6 of the bill) for the first time requires ordinances and resolutions having the effect of ordinances to be passed on three readings on separate days, which heretofore has been done but only upon the requirements of the board's own rules of procedure.

Subsection (10) (page 8 of the bill) eliminates from the necessity of publication after introduction and before final action ordinances and resolutions providing for specific improvements and the exercise of the power of eminent domain, on the theory that ample notice of such is already assured by other existing requirements of law. The amendment should result in no damage to anyone and in substantial savings to the city and county.

In several instances in subsections (5) to (14) the phrase "by the board of supervisors" is used after "ordinances" and "resolutions." This is to preclude the possibility of these requirements being construed to apply to rules of the traffic safety commission (established by subsection 9 of section 3021, in subsection (15) of

section 4 - page 12 - of the bill) and resolutions of the city planning commission (see subsection (71) of section 4 - page 96 - of the bill) which, under certain circumstances, have the effect of ordinances.

(15) Amends (pages 11-16 of the bill) subsections 4, 6, 7, 9, 11, 17, 18, 19, 22, 25, 28, 29 and 39 of section 3021, which section sets forth the general powers of the board of supervisors, as follows:

4 & 6. Subsection 4 formerly pertained to the method of construction of certain enumerated types of structures, whereas subsection 6 pertained in part to the places where and the conditions under which could be constructed the same enumerated structures. To avoid this unnecessary repetition the old 4 & 6 have been combined in the new 6, and 4 has been replaced by authorization to the board to enact ordinances relative to removal of nuisances and the clearing of unoccupied lots.

7. This merely deletes (page 12 of the bill) the words "to prevent and summarily remove nuisances" which has been transferred to the new 4, where it more properly belongs.

9. This paragraph formerly authorized the creation of a city planning commission, which is now more fully covered by subsection (71) hereof, and the new paragraph 9 (page 12 of the bill) authorizes and requires the creation of a traffic safety commission. Such detail as is gone into is with a view to insuring the existence of such commission, and the effectiveness of its acts under certain circumstances.

11. Removes (page 13 of the bill) any possible conflict with the jurisdiction of the public utilities commission and deletes reference to hackney carriages.

17. Subjects the board, (page 13 of the bill), in the matter of acquiring property for park purposes, to the provisions of sections 3227 and 3228 (approval of the park board) and deletes the power of the park board itself to acquire such property, on the theory that all such acquisitions should properly be by the city and county as a corporate entity, and not by any subsidiary body such as the park board.

18. Merely changes the reference (page 14 of the bill) to the "Hawaiian promotion committee" to the "Hawaii tourist bureau."

19. Merely clarifies (page 14 of the bill) the powers intended to be given by changing the word "lease" to "take on lease," thus obviating any construction that letting on lease was also intended. Other minor grammatical changes only are included.

22. Deletes (page 14 of the bill) the last sentence concerning minimum salaries of interpreters, which has been superseded by section 3941, in conjunction with the classification provisions under subsection (70) of section 4 - page 65 - of the bill.

25. Deletes (page 14 of the bill) the last portion concerning minimum salaries of members of the fire department, which has been superseded by Act 78, S.L. 1937.

28. Changes (page 15 of the bill) only the first paragraph, (a) by deleting the requirement that the governor consent to the sale of any park property; (b) by requiring

such approval to be by the park board under section 3228; (c) by including the requirement that the board of water supply give consent, under section 3267, to the sale of water works property covered by chapter 95; and (d) by requiring the proceeds of all such sales to be used for analagous purposes.

29. Merely makes (page 16 of the bill) the power subject to section 3227 as well as 3228.

39. The first paragraph (page 16 of the bill) is entirely new and is designed, together with the new sections proposed under subsections (34), (67) and (68) of section 4 - pp. 26, 48 and 49 respectively - of the bill, to relieve the board of supervisors from spending unnecessary time on matters purely executive or administrative in character.

The second paragraph replaces the former declaration that "no ordinance shall be held invalid on the ground that it covers any subject or matter embraced within any statute of the Territory whether such ordinance is in conflict with any such statute or otherwise."

That declaration, which was the result of the supreme court's decision in 18 Haw. 616, has been construed in 21 Haw. 19. It empowers the board of supervisors by ordinance to nullify a legislative enactment of the legislature, even though the latter be directed solely to city and county matters. By contemporaneous administrative construction the view is held that even an act of the legislature expressly declared to contain the uniform law on a subject throughout the Territory may be nullified by ordinance. This result is believed subversive to the best

principles of government. It is also believed that it is likewise subversive to such principles to deny the municipality a great deal of latitude in legislating on matters of a strictly municipal or local character. The suggested change appearing as the second paragraph of this subsection 39, which is self-explanatory, is designed to meet both objections.

(16) Merely adopts (page 17 of the bill) the now correct reference to the "Territorial commissioner of public health" instead of the "president of the board of health of the Territory." (See Act 122, S.L. 1937).

(17) Creates, by section 3022 A, (page 17 of the bill) an emergency reserve fund in the city and county, to be used only in the event of emergency resulting in serious loss of or danger to life or property and for the purpose of providing public relief from the consequences thereof. Such emergencies might result from fire, flood, earthquake, pestilence, etc. when legislative succor would be too long delayed and expensive.

Consolidates, by section 3022 B, (pp. 17-18 of the bill) the present legislation relative to the mandatory police department appropriation contained in section 3251 and Act 78, S.L. 1937, and places it in its logical sequence with other mandatory appropriations.

Section 3251, which is repealed by subsection (7) of section 7 (page 114) of the bill, authorizes the appropriation up to \$100,000 per annum from the road fund created by section 2158.

Act 78, S.L. 1937, relates to salaries and automatic increases thereof for both the fire and police

departments. It also authorizes the annual appropriation from the road fund of up to 25% of the cost of the police department, which cost would of course include the automatic increases provided for by Act 78.

Section 3022 B therefore reconciles and combines the provisions of sections 3251 and 3046 I (Act 78, S.L. 1937), leaving in section 3046 I only the remaining portion relating to fire department salaries (subsection (26) of section 4 - page 21 - of the bill).

(18) Extends (page 18 of the bill) the jurisdiction of the board of supervisors from the "district" to the "city and county" of Honolulu in the matter of naming streets.

(19) Clarifies section 3036 (page 18 of the bill) by segregation of elective from appointive officers and brings it down to date by including among the appointive officers the chief engineer, department of public works, "and such other officers as may from time to time be provided by law."

(20) Synchronizes (page 19 of the bill) city and county with Territorial office hours, as prescribed in sections 95 and 96.

(21) Rearranges section 3044 (page 19 of the bill) and adds the provision that "The board of supervisors may require, and fix the amount of, bond of other officers, deputies and employees." Although section 3045 authorizes the exaction of additional bond from the officers enumerated in 3044, the charter has been silent on exaction of bond from additional officers, etc., and this is considered essential.

(22) Deletes (page 19 of the bill) the stated salaries of the city and county attorney and public prosecutor

in view of the classification provisions contained in subsection (70) of section 4 - page 65 - of the bill.

(23) Substitutes in the title and body of section 3046 C (page 20 of the bill) the effective date of the act, namely, April 27, 1937, for the words "the effective date of this act" and corrects the reference of "3046 C herein" to "this section."

(24) Effects the same first substitution in section 3046 F, (page 20 of the bill) pertaining to fire department salaries, and deletes certain superfluous words.

(25) Repeals (page 21 of the bill) the unnecessary section 3046 H.

(26) Deletes from section 3046 I (page 21 of the bill) all provisions relative to appropriations for the police department, which are now combined in section 3022 B, as proposed in subsection (17) of section 4 - page 17 - of the bill. This leaves in section 3046 I only matters pertaining to the fire department.

(27) Reconstructs section 3046 J (page 21 of the bill) as a part of the code rather than, as before, a part of a separate act (Act 78, S.L. 1937).

(28) Changes the provision in section 3060 (pp. 21-22 of the bill) that vacancies in the board of supervisors by impeachment shall be filled by the mayor, to the provision that they be filled in the manner provided in section 3061, namely, by the mayor with the approval of the board.

(29) Limits in section 3061 (page 23 of the bill) appointments by the mayor to vacancies "for the filling of which no other provision is made" and requires

the approval of the board to appointments of a mayor from the board members.

(30) Amends the last sentence of section 3062 (page 23 of the bill) by limiting the power of the mayor to remove at pleasure to his secretary alone, inasmuch as all his other appointees are subject to the career service provisions proposed in subsection (70), section 4 - page 50 - of the bill. The change coordinates the section with the career service and classification provisions proposed by the bill.

(31) Deletes from section 3063 (page 23 of the bill) the provision for suspension for defalcation, etc., which is under the bill combined with the amended section 3065, (the following subsection of the bill) where it properly belongs.

(32) Combines in section 3065 (pp. 24-26 of the bill) the power of removal and suspension with the power of appointment.

As to appointments by the mayor upon taking office, it limits such to expired terms and vacancies, and recognizes specific provision for terms of appointees extending over the term of office of the appointive and approval power.

It sets forth full and comprehensive procedure for removal from office and for suspension, including notice, investigation, reinstatement, pay, etc. It is also geared into the aforesaid career service provisions.

(33) Merely changes in section 3066 (page 26 of the bill) the reference from "extra" to "special" sessions of the board in coordination with other provisions

of the chapter.

(34) Amends section 3068 (page 26 of the bill) by adding the proviso and the last portion beginning "and no resolution or ordinance, whether now in existence, etc."

The purpose of this amendment is again to relieve the board of supervisors from spending unnecessary time in the exercise of purely executive or administrative functions. Several existing resolutions now require approval of the board to many expenditures which should never have to come before the board. The suggested amendment is consistent with the whole theory of a segregation of legislative from administrative functions of government, and should result in far more efficient government.

(35) The present section 3073 requires an audit monthly of the books of "any" other department, etc. Manifestly the intent was an audit monthly of "all" other departments, etc., which is a physical impossibility and patently not a necessity. The amendment (page 27 of the bill) requires such audits of all departments other than the treasury semiannually.

(36) Coordinates section 3077 (page 27 of the bill) with career service and classification.

(37) Restricts, in section 3081 (page 28 of the bill) payments of warrants to those presented within two years next after the year when issued, instead of "before the close of the biennial period next after the biennial period" in which issued.

(38) Requires, in section 3087 (page 28 of the bill), settlement of treasurer with auditor at the board's

first regular meeting in January rather than "on the first Monday in January."

(39) Coordinates section 3092 (page 28 of the bill) with career service and classification.

(40) Merely deletes surplusage from section 3093 (page 28 of the bill).

(41) Deletes from section 3093 (page 28 of the bill) a paragraph concerning only the city and county attorney in a matter now covered generally by the suggested amendment of section 3126 (see subsection (64) of section 4 - page 47 - of the bill).

(42) Repeals section 3094, (page 29 of the bill) holding the city and county attorney liable on his bond for failure to account for moneys received, inasmuch as the new section 3127, proposed by subsection (65) of section 4 - page 47 - of the bill, covers in the same manner all city and county officers.

(43) Coordinates section 3096 (page 29 of the bill) with career service and classification.

(44) Merely grammatical change in section 3098 (page 29 of the bill).

(45) Deletes from section 3098 (page 29 of the bill) a paragraph concerning only the public prosecutor in a manner covered generally in the proposed new section 3126, cited above (page 47 of the bill).

(46) Coordinates section 3099 (page 29 of the bill) with career service and classification.

(47) Deletes from section 3099 (page 30 of the bill) a now entirely unnecessary paragraph concerning accommodations for the public prosecutor.

(48) Extends, in section 3100 (page 30 of the bill) the prohibition from receiving additional fee or reward to "anyone connected with" the public prosecutor's office. It formerly extended only to the public prosecutor and his assistants.

(49) Fixes, in section 3101 (page 30 of the bill), the time as "within 30 days after the close of each calendar year" for the public prosecutor's report. Formerly it was indefinite, merely requiring an annual report.

(50) By a new section 3102 A, (pages 30-31 of the bill), creates the office of public defender and defines his qualifications, duties, privileges, pay, etc.

(51) (a) Requires, (pages 31-32 of the bill), the clerk to file and preserve, not only the treasurer's, but all reports required to be made to the board of supervisors;

(b) For purely grammatical purposes, deletes the word "shall" in 2 (h);

(c) Requires the clerk to "adopt" rather than "accept" a seal, and

(d) in 4, makes the clerk subject to the provisions of section 1583 in his custodianship of documents.

(52) Coordinates section 3104 (page 32 of the bill) with career service and classification.

(53) (a) Removes traffic control from section 3104 A (page 33 of the bill), which is proposed to be under the traffic safety commission (section 3021, subsection 9 of section 4 - page 12 - of the bill) from the department of public works, and

(b) Adds recreation grounds to the exceptions from the scope of said department, consistent with chapter 93.

(54) Removes from section 3104 B (page 33 of the bill) the salary provision concerning the chief engineer, in view of classification, and makes him removable in the manner provided in section 3065, (page 24 of the bill).

(55) Coordinates section 3104 C (page 33 of the bill) with career service and classification. It should be noted that the compensation of an acting chief engineer may be fixed by the board, inasmuch as he would not come under classification.

(56) By section 3104 D, (page 34 of the bill) creates a public works advisory board, prescribes qualifications, terms, etc., and

By section 3104 E, (page 35 of the bill), prescribes its powers.

(56-A) Creates, (pages 35-43 of the bill), a new budget and efficiency bureau; prescribes its duties; provides for a complete budgeting system for the city and county; creates therein a new purchasing department and prescribes complete purchasing procedure.

(57) Coordinates section 3110 (page 43 of the bill) with career service and classification. It should be noted here that deputies serving without pay are not within the classification provisions.

(58) Coordinates the first sentence of section 3115 (page 44 of the bill) with career service and classification, and deletes the balance of the section, as already covered by section 3065 as amended (page 24 of the bill).

(59) Replaces an unnecessary section 3117 (page 44 of the bill) by a provision for the appointment of acting members of boards and commissions.

(60) Coordinates section 3120 (page 44 of the bill) with career service and classification.

(61) Clarifies section 3121 (page 45 of the bill) by substituting for the phrase "forfeit his office" the phrase "shall be removed from office in the manner provided by law" - sections 3060 and 3065 as amended (pages 22 and 24 of the bill) - and excepts such procedure from the career service provisions.

It also, in the second paragraph, consolidates several other specific provisions relative to political activities of members of boards and commissions which are deleted in the bill, into one general provision.

(62) Merely deletes from section 3123 (page 46 of the bill) the words "or ordinance or this chapter" and simply refers to payment of any demand "not allowed by law."

(63) Changes only the last sentence of section 3125, which was obviously in error, (page 46 of the bill) requires notice of revocation of an appointment to be made, not by the "officer whose appointment is so revoked," but by the revoking officer, and requires that the notice shall also be given to the career service commission if the position is within the career service.

(64) Broadens section 3126 (page 47 of the bill) to include all salaries, whether fixed in chapter 88 or elsewhere, and covers employees as well as officers.

(65) Creates a new section 3127 (page 47 of the bill) concerning liability of all city and county officers

on their bonds, replacing several desultory provisions relating only to certain specified officers, as noted above.

(66) Creates a new section 3128 (page 48 of the bill) prohibiting private practice by the city and county attorney and deputies and the public prosecutor and assistants.

(67) Creates a new section 3128.1 (page 48 of the bill) intended to relieve the board of supervisors from dealing with vacations to which employees are entitled under sections 103, 104 and 108. At present a resolution of the board (No. 606) precludes the taking of any vacation without its approval, or the payment of any salary for any period during which a vacation has been taken without its prior approval. It is believed that this is entirely an administrative matter with which the board, being a legislative body, should have no concern.

Provision is made for assistance to employees from the director of the bureau of the budget, with appeals to the mayor by employees deeming themselves aggrieved by denial of vacations; also for the inclusion in the budget of funds necessary for the employment of substitutes, which should eliminate any possible necessity for legislative scrutiny of earned vacations.

(68) Creates a new section 3128.2 (page 49 of the bill) on sick leave extensions and pay during the same.

(69) Creates a new section 3128.3 (page 50 of the bill) (a) requiring, as a condition precedent to validity of salary assignments, approval of department head thereto and acceptance thereof by the auditor; (b) restricting loans for interest among officers and employees; and (c) prohibiting note endorsements without prior written

consent of the head of the department.

(70) Creates two new subdivisions, (pages 50-95 of the bill) establishing respectively the career service and classification of salaries in the municipal government. Career service is a combination of the best features of civil service and the merit system, and is generally conceded to be the best system yet devised under which the service, tenure, etc. of government employees is controlled.

The classification schedules follow the closing report of the Federal Personnel Classification Board.

(71) Creates a new subdivision (pages 96-107 of the bill) to establish a city planning commission (which heretofore has existed only by ordinance enacted pursuant to the power granted the board in subsection 9 of section 3021), and sets forth comprehensively its scope, powers, duties, and the mechanics for its functioning in conjunction with the board of supervisors.

SECTION 5:

This section amends chapter 92 of the Revised Laws, relating to improvement of highways in the district of Honolulu by assessment.

(1) Reconciles section 3180, (page 107 of the bill) by the parenthetical phrase "if not assumed by the city and county under the discretionary power contained in section 3184," with section 3184, and, by the deletion of the last paragraph, with section 2366 as proposed in subdivision (7) of section 2 of the bill.

(2) Merely notes, (page 108 of the bill), another section, 3188, which is equally applicable with section 3187

in the stated exception.

(3) Adds a new section 3189 A (page 109 of the bill) requiring compliance with the city planning commission provisions noted above.

SECTION 6:

This section amends chapter 93 of the Revised Laws relating to the park board.

(1) Requires (page 109 of the bill) the annual financial report of the park board to the board of supervisors to be audited by the city and county auditor.

(2) Coordinates section 3226 (page 109 of the bill) with classification.

(3) Provides in section 3227 (page 109 of the bill) that the public parks "shall be under the control and management of the park board" in lieu of the former provision that title was transferred to the park board.

(4) Amends section 3228 (page 110 of the bill) by deleting the power of the park board to purchase, sell and exchange real and personal property, vesting that power solely in the board of supervisors, with the condition that any such action by the board of supervisors must have been preceded by the written approval of the park board. It also requires that the proceeds of any such sale shall be used only for similar purposes.

The procedure for the purchase of supplies and equipment is coordinated with the purchasing department in the budget and efficiency bureau, noted above.

(5) Coordinates section 3229 (page 111 of the bill) with classification.

(6) Requires in section 3230 (page 111 of the bill) that gifts, bequests and devises of land, etc. for park purposes be taken in the name of the city and county, rather than the park board.

(7) Deletes section 3231, (page 112 of the bill) as the subject of audits is proposed to be covered generally by section 3073 as proposed in subsection (35) of section 4 - page 27 - of the bill.

(8) Merely deletes superfluous words from section 3234 (page 112 of the bill).

(9) Repeals section 3235, (page 112 of the bill) inasmuch as that subject is proposed to be covered generally by section 3121 as proposed in subsection (61) of section 4 - page 45 - of the bill.

SECTION 7:

This section amends chapter 94 of the Revised Laws relating to the Honolulu police department.

(1) Merely coordinates (page 112 of the bill) the reference to sections with their place in the code as a chapter.

(2) Deletes from section 3241 (page 112 of the bill) the provisions relative to original appointments and removals of members of the police commission by the governor, as now obsolete, and also the provision relative to political activity of such members, which is proposed to be covered generally by section 3121 as proposed in subsection (61) of section 4 - page 45 - of the bill.

(3) Deletes from section 3242 (page 113 of the bill) all references to original appointments of members

of the police commission, which provisions are also obsolete, and simply provides that the commissioners shall be appointed for staggered terms of five years from the expiration of their respective predecessors' terms.

(4) Deletes the last sentence of section 3245, (page 113 of the bill), inasmuch as that provision relative to the salary of the chief of police has been superseded by section 3046 A (Act 78, S.L. 1937), which fixes a definite salary of \$7200.00.

(5) Conforms section 3246 (page 113 of the bill) with sections 3046 A to 3046 C (Act 78, S.L. 1937) wherein salaries of police officers and employees are definitely fixed by law, instead of by the commission as formerly provided for in section 3246.

(6) Deletes from the powers and duties transferred by section 3247 to the chief of police, (page 114 of the bill) those contained in chapter 83, part 1, inasmuch as chapter 83, part 1, was repealed by Act 234, S.L. 1937.

(7) Repeals section 3251, (page 114 of the bill) which has been combined into section 3022 B as proposed in subsection (17) of section 4 - page 17 - of the bill.

SECTION 8:

This section amends chapter 95 of the Revised Laws relating to the Honolulu board of water supply.

(1) Accomplishes exactly the same result for section 3262 (page 114 of the bill) as does subsection (2) of section 7 for section 3241. (See analysis above

of section 7, subsection (2)).

(2) Coordinates paragraphs 2 and 3 of section 3264 (page 115 of the bill) with career service and classification.

(3) Deletes the fifth paragraph of section 3264, (page 116 of the bill) inasmuch as this subject is covered generally by career service, as proposed in subsection (70) of section 4 of the bill. (See section 3130 - page 63 - of the bill).

(4) Coordinates the second paragraph of section 3265 (page 116 of the bill) with classification and permits the water board, if agreed to by the board of supervisors, to pay only a portion of the attorney's compensation instead of all of it. This is designed to cover the situation where the full time of such attorney or attorneys is not needed for water board work. It also permits, instead of requiring, such deputies to be in addition to the deputies allowed the city and county attorney by law.

(5) Deletes the first paragraph of section 3266 (page 116 of the bill) which is now obsolete.

(6) Coordinates the purchase of supplies, as authorized by the first paragraph of section 3267, (page 116 of the bill), with the purchasing procedure proposed under the budget and efficiency bureau (subsection (56) of section 4 - pages 40-43 - of the bill) and deletes the power of the water board as such to sell water works property, leaving the purchase and sale thereof to the board of supervisors, but only on the prior written approval of the board of water supply. All proceeds of any such sale are to be credited to the board of water supply.

This procedure corresponds with that proposed for the park board in section 6 - page 109 - of the bill.

(7) Merely corrects a grammatical error in section 3270 (page 117 of the bill).

(8) Deletes from section 3275 (page 117 of the bill) the requirement that the city and county attorney proceed to have determined by the courts the liability of the municipality for water furnished for fire protection, with the proviso that it not be held liable for any such water furnished prior to July 1, 1937 - a requirement which the city and county attorney has never complied with, realizing the utter futility of such proceedings - and substitutes the requirement that from and after July 1, 1939, the city and county pay a flat sum, to be later determined, for each fire hydrant maintained in the city and county. It is understood that this is the procedure to which many mainland cities have come, and is believed to be a fair solution of the problem under local circumstances and conditions.

(9) Requires, in section 3289 (page 117 of the bill) the approval of the mayor rather than the governor to the water board rules.

SECTION 9 coordinates chapter 103 with career service and classification (page 118 of the bill).

SECTION 10 does the same for chapter 105 (pages 118-119 of the bill).

SECTION 11 does the same for chapter 112 (pages 119-120 of the bill).

SECTION 12 (page 120 of the bill) coordinates chapter 137 with the city planning provisions proposed in subsection (71) of section 4 - page 96 - of the bill.

SECTION 13 does the same for chapter 144 (page

120 of the bill).

SECTION 14 does the same for chapter 145 (pages 120-121 of the bill).

SECTION 15 (page 121 of the bill) coordinates chapter 155 with the provisions relative to the public defender, proposed as section 3102 A by subsection (50) of section 4 - page 30 - of the bill.

SECTION 16 (page 121 of the bill) repeals chapter 90, relating to civil service for the fire department, inasmuch as that is covered by the career service proposed in the bill.

SECTION 17 is a general saving clause (page 121 of the bill).

SECTION 18 (page 122 of the bill) is the effective date provisions of the bill, which has been left open for future determination by the legislature.

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A N A C T

RELATING TO THE GOVERNMENT OF THE CITY AND COUNTY OF HONOLULU, PROVIDING FOR THE REVISION OF ITS POWERS, DUTIES AND FUNCTIONS, FOR THE COORDINATION OF THE SAME WITH THOSE OF CERTAIN OTHER GOVERNMENTAL DEPARTMENTS, FOR THE COORDINATION OF OTHER LAWS WITH SUCH PROVISION, AMENDING CHAPTERS 78, 79, 82, 88, 92, 93, 94, 95, 103, 105, 112, 137, 144, 145 AND 155 OF THE REVISED LAWS OF HAWAII 1935, AND REPEALING CHAPTER 90 THEREOF.

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

SECTION 1. Chapter 78 of the Revised Laws of Hawaii 1935 is hereby further amended in the following respects:

(1) By amending section 2310 thereof to read as follows:

"Sec. 2310. Bonds of county and city and county officers; form. Every bond required to be given by any officer, deputy, assistant, clerk or employee, in any department, bureau, office or service, of any county or city and county, or municipality, shall be made payable to the county, city and county or municipality, as the case may be, and shall be substantially in the form prescribed in section 134, provided, that no such bond shall be deemed sufficient or be

accepted unless the surety thereon be a corporation such as is mentioned in section 160."

(2) By amending section 2311 thereof to read as follows:

"Sec. 2311. Approval of bonds. The sufficiency of the bonds of the members of the several boards of supervisors and the mayor of the city and county of Honolulu shall be approved by a judge of the circuit court having jurisdiction over or within the county or city and county, as the case may be, and all other bonds shall be approved as to sufficiency by the officer with whom the same are required to be deposited."

(3) By amending section 2321 thereof to read as follows:

"Sec. 2321. Salaries of county officers and employees full compensation; moneys payable into treasury. The salaries provided by law for county officers or employees shall be in full compensation for all services rendered, and every such officer or employee shall pay all moneys belonging to the county coming into his hands as such officer or employee, no matter from what source derived or received, into the county treasury within thirty days after receipt of the same."

SECTION 2. Chapter 79 of said Revised Laws is hereby further amended in the following respects:

(1) By amending section 2359 thereof to read as follows:

"Sec. 2359. Abutter to pay costs. Except in the city and county of Honolulu, all sidewalks, including curbs, shall be constructed, maintained and repaired at the expense of the adjoining owner or abutter."

(2) By deleting, from section 2360 thereof, the word "Honolulu" from the headnote thereof, and the words "Honolulu and" from the second line of said section.

(3) By deleting from the eighth line of section 2361 thereof the words "county or city and."

(4) By deleting from the second and third lines of section 2362 thereof the words "or city and county,"

(5) By amending section 2363 thereof to read as follows:

"Sec. 2363. Driving on prohibited. Any person using a sidewalk, constructed anywhere in the Territory at the expense of the adjoining owner or abutter, with mule or horse, or who shall drive a wagon, bicycle or other wheeled vehicle on such sidewalk, without permission of the owner, shall be liable to the owner or occupant in the sum of \$5 for each trespass, and for all damages suffered thereby, to be recovered by such owner or occupant in an action of trespass."

(6) By amending section 2365 thereof to read as follows:

"Sec. 2365. Construction of sidewalks in city and county of Honolulu. Except where sidewalks are included in any new project initiated under chapter 92 to establish, open, extend or alter any street, alley or other highway, all sidewalks deemed necessary by the board of supervisors in the city and county of Honolulu shall be constructed at the expense of the city and county, including the cost of acquiring any necessary land therefor."

(7) By amending section 2366 thereof to read as follows:

"Sec. 2366. Repair, maintenance and cleaning of sidewalks in city and county. It shall be the duty of the board of supervisors to repair, maintain and keep clean, passable and free from weeds and noxious growths, all sidewalks by whomsoever constructed along any public highway in the city and county."

(8) By adding thereto a new section, to be numbered section 2398, reading as follows:

"Sec. 2398. Honolulu exceptions. Nothing in this chapter contained shall be construed as limiting in any way the powers of the city planning commission or traffic safety commission of the city and county of Honolulu."

SECTION 3. Chapter 82 of said Revised Laws is hereby amended by adding, at the end of subsection 4 of section 2577 thereof, the following:

"The aforesaid powers of the liquor commission for the city and county of Honolulu shall be subject to the career service and classification provisions of chapter 88."

SECTION 4. Chapter 88 of said Revised Laws is hereby further amended in the following respects:

(1) By repealing section 3003 thereof;

(2) By deleting from section 3004 thereof the words "or county of Oahu" at the end of the first paragraph thereof, and the words "or the heretofore existing county of Oahu" at the end of the second paragraph thereof;

(3) By amending section 3007 thereof to read as follows:

"Sec. 3007. Assistants to board; rules; journal; behavior. The board shall: (1) appoint such committee clerks and other assistants, subject to the career service provisions of this chapter, as may be deemed necessary; (2) establish rules for its proceedings; (3) keep a journal of its proceedings, in which the ayes and noes, which shall be taken upon demand of any member, shall be entered; (4) have authority, upon an affirmative vote of at least five members, to suspend without pay for not more than one month, any member for disorderly or contemptuous behavior in its presence, and, upon an affirmative vote of a majority of those present, to expel any other person who shall be guilty of disorderly, contemptuous or improper conduct at any meeting."

(4) By amending section 3009 thereof to read as follows:

"Sec. 3009. Regular meetings. The board shall hold regular meetings on the first Tuesday after the first Monday of each month, or on the following day if any such Tuesday be a holiday. It may also hold regular and special meetings on such other days as it shall determine. The meetings of the board shall be public. The board shall not adjourn to any other than its regular meeting place ^{except} in case of great necessity or emergency."

(5) By amending section 3010 thereof to read as follows:

"Sec. 3010. Enacting clauses of ordinances and resolutions. The enacting clause (a) of every ordinance shall be 'Be it ordained by the people of the city and county of Honolulu' and (b) of every resolution shall be 'Be it resolved by the board of supervisors of the city and county of Honolulu.'"

(6) By amending section 3011 thereof to read as follows:

"Sec. 3011. Legislative acts of board by ordinance or resolution; passed how. Every legislative act of the board of supervisors, except approval or disapproval of rules of the traffic safety commission and resolutions of the city planning commission, shall be by ordinance or resolution passed on three readings, on separate days, final passage of which shall be by a majority

vote of the members of the board, taken by ayes and noes with the names of the members voting for and against entered in the journal.

"No such bill or resolution shall be so amended as to change its original purpose."

(7) By amending section 3012 thereof to read as follows:

"Sec. 3012. Revision or amendment. No ordinance or resolution having the effect of an ordinance shall be revised, reenacted or amended by reference to its title, but the same, or the section or portion thereof amended, shall be reenacted at length as revised or amended; provided, however, that the ordinance or resolution as a whole may be revised or codified and adopted and reenacted as revised or codified by an ordinance passed for that purpose."

(8) By amending section 3013 thereof to read as follows:

"Sec. 3013. Title. An ordinance or resolution having the effect of an ordinance shall embrace but one subject, which subject shall be expressed in its title. If any such ordinance or resolution embrace any subject not expressed in its title, the same shall be void only as to so much thereof as is not expressed in its title."

(9) By amending section 3014 thereof to read as follows:

"Sec. 3014. Reconsideration; time for.

When a bill or such a resolution is put upon its final passage in the board and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be acted upon before the expiration of twenty-four hours after adjournment. Every ordinance and every such resolution shall, after amendment, be laid over for one week before its final passage."

(10) By amending section 3016 thereof to read as follows:

"Sec. 3016. Publication before final action. Every bill or resolution of the board of supervisors involving the lease, appropriation or disposition of public property, and every ordinance of the board providing for the imposition of a new duty or penalty, shall, after its introduction, be published in a daily newspaper with the ayes and noes once at least three days (Sundays and legal holidays excepted) before final action upon the same. If such bill or resolution be substantially amended, it shall be so advertised as amended for a like period before final action thereon. Nothing herein shall prevent adoption of a revision or revisions of the city and county ordinances by an ordinance incorporating such revision by reference."

(11) By amending section 3017 thereof to read as follows:

"Sec. 3017. Veto appropriation items.

If any bill or resolution be presented to the mayor containing several items appropriating money he may object to one or more items separately, while approving other items thereof. In such case he shall append thereto at the time of signing it a statement of the item or items to which he objects and the reasons therefor, and the item or items so objected to shall not take effect unless passed notwithstanding the mayor's objection. Each item so objected to shall be separately reconsidered by the board in the same manner as bills which have been disapproved by the mayor."

(12) By amending section 3018 thereof to read as follows:

"Sec. 3018. Publication after approval.

No ordinance or resolution having the effect of an ordinance shall take effect until after its publication, unless otherwise provided therein. Such publication shall be made once in a daily newspaper after approval."

(13) By amending section 3019 thereof to read as follows:

"Sec. 3019. Approval or veto. Every such bill and resolution which shall have passed the board and shall have been duly authenticated, shall be presented to the mayor for his approval. The mayor shall return such bill or resolution

to the board within ten days after receiving it. If he approve it he shall sign it and it shall then become or have the effect of an ordinance. If he disapprove it he shall specify his objections thereto in writing. If he does not return it with such disapproval within the time above specified, it shall take effect as if he had approved it. The objections of the mayor shall be entered at large in the journal of the board, and the board shall, after five and within thirty days after such bill or resolution shall have been so returned, reconsider and vote upon the same. If the same shall, upon reconsideration, be again passed by the affirmative vote of not less than five members of the board, the presiding officer shall certify that fact on the bill or resolution, and when so certified, the same shall become or have the effect of an ordinance with like effect as if it had been approved by the mayor. If the bill or resolution shall fail to receive the vote of five members of the board it shall be deemed finally lost. The vote on such reconsideration shall be taken by ayes and noes and the names of the members voting for and against the same shall be entered in the journal."

(14) By amending section 3020 thereof to read as follows:

"Sec. 3020. Amendment or repeal. No ordinance shall be amended or repealed by the board of supervisors except by ordinance, and no resolu-

tion having the effect of an ordinance shall be amended or repealed by the board of supervisors except by resolution adopted, and presented to the mayor for his approval, in the manner hereinbefore set out."

(15) By amending subsections 4, 6, 7, 9, 11, 17, 18, 19, 22, 25, 28, 29 and 39 of section 3021 thereof to read as follows:

"4. To enact and enforce all ordinances necessary to prevent or summarily remove nuisances, and to compel the clearing of unoccupied lots of refuse and uncultivated undergrowth, and in those connections to impose and enforce liens upon the real property involved for the cost to the city and county of completing the necessary work where the owners fail or refuse after reasonable notice to comply with such ordinances."

"6. To proscribe and regulate the method and style of construction, the places where and the conditions under which may be erected, maintained, used or operated, foundries, bakeries, canneries and other factories, laundries, poi-shops, abattoirs, fish markets and places where noisome trades or manufactures are carried on, hotels tenements, lodging-houses, theatres and dance halls and other places of public resort; and locations where dairies, stables and pastures and places for the keeping of animals may be

maintained; provided, however, that in case of any conflict between any municipal ordinance, rule or regulation, whether adopted in pursuance of this subsection or any other power vested in the city and county, and the regulations of the territorial board of health, the latter shall control and prevail."

"7. To enact and enforce all ordinances necessary to protect health, life and property and to preserve and enforce the good government, order and security of the city and county and its inhabitants."

"9. To, and it shall, create a traffic safety commission consisting of not less than fifteen and not more than twenty-one members, not more than one-third of whose terms shall expire during any calendar year, with full power to formulate rules for the regulation and control of all forms of traffic on public highways, including penalties for the violation thereof within the limits prescribed by subsection 20 hereof, which rules shall be submitted to the board of supervisors, and such of them as (a) are approved by the board, and (b) are not rejected by an affirmative vote of five members of the board within thirty days of such submission, shall be published at least once in a daily newspaper of general circulation in the city and county and shall thereupon have the force and effect of law until amended or rescinded by the commission or amended or repealed by the affirma-

tive vote of five members of the board of supervisors. The board of supervisors shall provide the commission with the necessary funds for the employment of a full time traffic safety engineer who shall act as executive secretary, a draftsman and a clerk. Unless and until a new traffic safety commission shall be appointed, the present commission shall continue to function as such, with all the powers herein given."

"11. Where not within the jurisdiction of the public utilities commission, to regulate the use of public passenger vehicles, and to fix the rates to be charged for the transportation of persons or personal baggage."

"17. To provide for the purchase or acquisition by condemnation of such property as may be needed for public use. To establish, subject to the provisions of sections 3227 and 3228, improvement districts for the purpose of acquiring property for parks, playgrounds and public beaches whenever requested by the owners of at least fifty per centum of the property specially benefited, and in such case, the improvement districts shall be created in conformity with all of the provisions of chapter 92; provided, however, that this paragraph shall not be construed as in any manner limiting the power of the board of supervisors to provide for the acquisition of property for the same purpose without levying assessments."

"18. To assist financially the Hawaii tourist bureau in its enterprise of fostering the development of the Territory and the city and county through the dissemination of information descriptive of the Territory."

"19. To regulate and control the location and quality of all appliances necessary to the furnishing of water, heat, light, power, telephonic and telegraphic service to the city and county; to construct, purchase, take on lease or otherwise acquire buildings for city and county purposes; to construct, purchase, take on lease or otherwise acquire plants, apparatus and appliances for lighting streets and public buildings, and to manage, regulate and control the same, and to acquire, regulate and control any and all appliances for the sprinkling and cleaning of the streets of the city and county and for flushing the sewers therein."

"22. To provide for the payment of compensation to the interpreters appointed by the district magistrates of the city and county to interpret testimony in cases before such magistrates, or upon inquests and examinations."

"25. Except as otherwise provided, to fix the hours of labor or service required of all employees and laborers in the service of the city and county, and their compensation."

"28. To sell at public auction, after notice by publication once a week for at least two weeks in any daily newspaper of general circulation in the city and county, any real property acquired by the city and county whenever the board deems it advisable to abandon the use of such property for the purpose for which it was acquired; provided, however, that the proposed sale of any abandoned school site shall first be approved by the superintendent of public instruction, and that the proceeds from such sale shall be used only for acquiring land or for the erection of buildings for school purposes, and that the proposed sale of any park property or water works property subject to chapter 95 shall be subject to the provisions of sections 3228 or 3267 as the case may be, and provided further, that no such real property bordering on the ocean shall be sold or otherwise disposed of.

"Provided, further, that all real property acquired by the city and county by purchase at any sale for default in the payment of any improvement district assessment may by the treasurer be sold at either public or private sale; the minimum price at which each lot shall be so sold shall be determined and fixed by a committee consisting of the mayor as chairman, and the treasurer, auditor and chairman of the finance committee of the board of supervisors, of the city and county; such prices and notice that such

lots are held for sale shall be published at least once in a daily newspaper of general circulation in the city and county before sale, and, in the event of a sale at public auction, the prices so determined shall constitute the upset prices for the respective lots so auctioned."

"29. Subject to sections 3227 and 3228, to exchange lands belonging to the city and county for other lands for the use of the city and county, in the manner and as may be deemed advisable by the board; provided, however, that lands used for park or school purposes may only be exchanged for other lands for the same purpose."

"39. To exercise such legislative powers as are necessary or expedient to carry out the powers, functions and duties entrusted to or imposed upon the board, provided, however, that no executive or administrative powers or functions shall be assumed or exercised by the board unless the same be expressly or by necessary implication authorized by law.

"No ordinance shall be held invalid on the ground that it covers any subject or matter embraced within any statute of the Territory, provided that such ordinance is not inconsistent with and does not tend to defeat the intent or object of such statute or of any other statute, and provided also that such statute does not disclose an express or implied intent that the same shall be exclusive, or uniform throughout the Territory."

(16) By amending section 3022 thereof by substituting for the words "president of the board of health of the Territory" therein the words "territorial commissioner of public health."

(17) By inserting therein two new sections, to be numbered, respectively, sections 3022 A and 3022 B, reading as follows:

"Sec. 3022 A. Emergency reserve fund. The board of supervisors is authorized and directed to establish and maintain an emergency reserve fund by setting aside and appropriating thereto annually not less than \$25,000 until the amount of the moneys therein, exclusive of interest earned thereon, shall equal \$250,000. The amount required to be appropriated each year shall be included in the tax rate for real property taxes for such year in the city and county. The treasurer is authorized and directed to invest the moneys in said fund in certificates of deposit in any bank designated as a depository of the moneys of the city and county under section 2317. Disbursements from said fund may be authorized by the board of supervisors by resolution without publication, but shall only be made in the event of emergency resulting in serious loss of or danger to life or property and for the purpose of providing public relief from the consequences thereof.

"Sec. 3022 B. Police department; appro-

priation. The board of supervisors, upon request of the police commission, shall appropriate from time to time, for the use of the police department, sums aggregating not less than \$500,000 per annum plus the amounts necessary to meet all of the salary increases from and after July 1, 1937, provided for by sections 3046 A to 3046 C, inclusive. The board of supervisors may from time to time, in its discretion, appropriate additional moneys to be used by the police department. Not more than 25% of all appropriations made for the police department for any year may be made from the road fund created by section 2158."

(18) By amending section 3027 thereof by substituting for the word "district" in the second line thereof the words "city and county."

(19) By amending section 3036 thereof by substituting for the first sentence thereof the following:

"The elective officers of the city and county shall be a mayor, board of supervisors, sheriff, who shall be ex officio coroner, city and county clerk, who shall be ex officio clerk of the board of supervisors, auditor and a treasurer, all of whom shall be elected at large by the duly qualified electors of the city and county, and all of whom shall have their offices at the county seat. The appointive officers shall be a public prosecutor, city and county attorney, chief engineer

of the department of public works, all of whom shall have their offices at the county seat, and such other officers as may from time to time be provided for by law."

(20) By amending section 3038 thereof to read as follows:

"Sec. 3038. Office hours. All of the city and county officers specifically mentioned in section 3036 shall keep their respective offices open for business on every business day from 8 o'clock a. m. until 4 o'clock p. m., except on Saturdays, when they may close at noon.

"The receiving and paying hours of the treasurer shall be from 9 o'clock a. m. to 3 o'clock p. m. on all business days, except on Saturdays, when they shall terminate at noon."

(21) By amending section 3044 thereof to read as follows:

"Sec. 3044. Amount of bonds. The amount of bonds of each of the following city and county officers shall be: Members of the board of supervisors, clerk, attorney, public prosecutor and deputy sheriff, \$5,000; mayor, chief engineer, department of public works and sheriff, \$10,000; auditor and treasurer, \$25,000. The board of supervisors may require, and fix the amount of, bond of other officers, deputies and employees."

(22) By deleting from section 3046 thereof the

following items:

"City and county attorney..... 7500.00
Public prosecutor..... 7500.00"

(23) By amending section 3046 C thereof to read as follows:

"Sec. 3046 C. Salaries, of those in service on April 27, 1937; increases. The annual salaries of the following officers and members of the police department of the city and county of Honolulu in service on April 27, 1937, shall be as follows: captain of detectives, \$4000.00; captains of police, \$3,100.00 each; lieutenants of detectives, \$2,800.00 each; lieutenants of police, \$2,500.00 each; desk sergeants, \$2,300.00 each; sergeants of police, detectives, police reporters and radio mechanics, \$2,200.00 each; patrolmen-clerks, \$2,000.00 each. All officers and members mentioned in this section shall receive an increase in salary of \$100.00 each for each year of service for five years until the basic salary is reached, and any appointments or promotions to the above grades shall be at the rates of compensation paid the incumbent officers and members."

(24) By amending section 3046 F thereof to read as follows:

"Sec. 3046 F. Salaries of those in service on April 27, 1937; increases. The annual salaries of the following officers in service on April 27,

1937, shall be as follows: captains, \$2,500.00 each; lieutenants, \$2,200.00 each; engineers, \$2,100.00 each; said officers to receive an annual increase of \$100.00 in salary until the basic salary referred to in section 3046 D is reached; provided, however, that any appointments or promotions to the above grades shall be at the rates paid the incumbent officers."

(25) By repealing section 3046 H thereof.

(26) By amending section 3046 I thereof to read as follows:

"Sec. 3046 I. Appropriations for salary increases in fire department. The board of supervisors is authorized and directed to make the necessary appropriations to meet the salaries fixed by sections 3046 D to 3046 F, inclusive, for the members of the fire department."

(27) By amending section 3046 J thereof to read as follows:

"Sec. 3046 J. Effective date; computation of first year's service. The salary schedules set forth herein or herein authorized shall take effect July 1, 1937, provided that where annual increases are provided for each year of service the period from July 1, 1937, to December 31, 1937, shall be considered as the first year of service."

(28) By amending section 3060 thereof to read as follows:

"Sec. 3060. Impeachment. Any city and county officer may be removed for malfeasance, misfeasance, nonfeasance or maladministration in office. The board of supervisors shall constitute a board of impeachment for the trial of any elected officer of the city and county (except members of the board of supervisors), who may be charged with malfeasance, misfeasance, nonfeasance or maladministration in office by not less than one hundred legal voters within the city and county. Such officer shall be informed of the charge made against him and shall be given an opportunity to defend himself against the same. The board of impeachment shall have power to hear and determine the charge, and if the same be sustained, to remove from office the officer so charged. Any vacancy so occurring shall be filled by appointment for the unexpired term in the manner provided in section 3061. The decision of the board of supervisors may be reviewed by the supreme court, upon a writ of certiorari; provided, that members of the board of supervisors shall be tried for any of the causes specified in this section, and in manner similar to that provided for the trial of the city and county officers, before the supreme court. Jurisdiction is conferred upon the supreme court to hear and try cases arising under the provisions of this chapter, with power, in case such charges are sustained, to remove any of such officers from office."

(29) By amending section 3061 thereof to read as follows:

"Sec. 3061. Vacancies. Any vacancy occurring in any city and county office for the filling of which no other provision is made shall be filled by appointment by the mayor with the approval of the board of supervisors, unless such vacancy is in the office of mayor, in which case such vacancy shall be filled by appointment by the board of supervisors for the unexpired term of such office. If the mayor be so appointed by the board of supervisors from their own number the vacancy in the board so caused shall be filled by appointment by such new mayor with the approval of the board of supervisors."

(30) By amending the last sentence of section 3062 thereof to read as follows:

"He may appoint and remove at pleasure a secretary and he may appoint such other assistants as may be necessary for the proper performance of the duties of his office and for which appropriations have been made by the board of supervisors."

(31) By deleting from section 3063 thereof the fourth sentence, reading as follows:

"When any official defalcation or wilful neglect of duty or official misconduct shall come to his knowledge, he shall suspend the delinquent officer or person from office pending an official investigation."

(32) By amending section 3065 thereof to read as follows:

"Sec. 3065. Power to appoint, remove and suspend. It shall be the duty of the mayor, on or immediately following the day from which his term of office begins, to appoint, with the approval of the board of supervisors, all appointive department heads of the city and county, created or recognized by law or ordinance whose terms have expired, and all other officials whose appointments are not otherwise provided for and whose offices or positions are vacant. The term of office of those so appointed shall not, unless otherwise specifically/^{so}provided, extend over the term of office of such appointive and approval power. The mayor may summarily remove from office any of such appointed officers, and shall, at the same time, file with the board of supervisors a written notice thereof and of his reasons therefor and cause to be delivered; or sent by registered mail, a copy thereof to the person so removed. When a vacancy occurs in any elective office, or in the office of any department head or other official as aforesaid, and provision is not otherwise made by law for filling the same, the mayor, with such approval, shall appoint a suitable person to fill such vacancy, who shall hold office for the unexpired term unless otherwise removed.

"Except in the police and fire departments,

the mayor shall have authority to suspend without pay for a period not exceeding sixty days any officer or employee for incompetence, neglect of duty, drunkenness, failure to obey orders given him by proper authority, insubordination, or other misconduct. He shall, at the same time, file with the board of supervisors a written notice thereof and of his reasons therefor and cause to be delivered, or sent by registered mail, a copy thereof to the person so suspended. For the purpose of conducting or assisting in any investigation preliminary to or after any such suspension, the mayor may call upon either the city and county attorney or the public prosecutor.

"Upon conclusion of his investigation, and within sixty days after any such suspension, the mayor shall file with the board of supervisors a written report and finding thereon, delivering or forwarding by registered mail a copy thereof to the person suspended. If the person suspended be an officer removable by the mayor, the mayor shall in such report either remove or reinstate him. If the person be not removable by the mayor, said report shall either reinstate such person, or recommend his removal by the proper authority, which recommendation shall be mandatory upon such authority; provided, that in case any such person so removed or ordered removed is subject to the career service, then such removal shall be subject to such rights of appeal and to reinstatement at the discretion of the proper appointing authority in

the event of a favorable recommendation by the career service commission, and to such other incidents, as are provided by the laws and ordinances relating to such career service. In all investigations by the mayor or by the city and county attorney or public prosecutor for the mayor, it shall not be necessary to give to the person suspended or removed any notice other than that in this section provided for, or any opportunity to be heard, save such as, in the sole discretion of the mayor, city and county attorney or public prosecutor, as the case may be, shall be deemed proper.

"No person so suspended shall be entitled to any pay during the period of suspension unless he be reinstated, in which case it shall be discretionary with the board of supervisors or other appropriating authority (subject to any existing career service provisions) to order the payment of all or any part of such pay."

(33) By substituting for the word "extra" in the third line of section 3066 thereof the word "special".

(34) By amending section 3068 thereof to read as follows:

"Sec. 3068. Warrants; issuance of. The auditor shall issue warrants on the city and county treasurer in favor of persons entitled thereto in payment of claims and demands chargeable against the city and county which have been legally examined, allowed and ordered paid by the

board of supervisors, provided, that such warrants shall be issued by the auditor for all salaries and wages which have previously been fixed either by law, ordinance, or by any board or commission thereunto empowered, upon payrolls examined and approved solely by the head of the department, or by the board or commission concerned. The auditor shall also issue warrants on the treasurer for all other debts and demands against the city and county when the amounts are fixed by law, or authorized by law to be allowed by some person, board, commission or tribunal other than the board of supervisors, and no resolution or ordinance, whether now in existence or in the future adopted or enacted, shall have the effect of requiring any such debts or demands, or any payrolls covered by the preceding proviso, to be approved or passed on by the board of supervisors as a condition precedent to the issuance of warrants thereon."

(35) By amending section 3073 thereof to read as follows:

"Sec. 3073. Examination of books. The auditor shall, between the first and tenth day of each month, examine the books of the treasurer, and he or his deputy shall examine, at least semi-annually, the books of every other department, board and officer of the city and county, and see that the same have been correctly kept."

(36) By amending section 3077 thereof to read as follows:

"Sec. 3077. Auditor's deputies and clerks. The auditor may appoint such deputies, clerks, stenographers and other assistants as may be necessary for the proper performance of the duties of his office and for which appropriations have been made by the board of supervisors."

(37) By substituting for the phrase "before the close of the biennial period next after the biennial period" in the fifth and sixth lines of section 3081 thereof, the phrase "within two years next after the year."

(38) By amending the last sentence of section 3087 thereof to read as follows:

"He shall also make a full settlement of all accounts with the auditor annually, in the presence of the supervisors, at their first regular meeting in January."

(39) By amending section 3092 thereof to read as follows:

"Sec. 3092. Treasurer's deputies and clerks. The treasurer may appoint such deputies, clerks, stenographers and other assistants as may be necessary for the proper performance of the duties of his office and for which appropriations have been made by the board of supervisors."

(40) By deleting from the first line of subdivision 1 of section 3093 thereof the words "and for".

(41) By deleting from said section 3093 the fifth subdivision thereof.

(42) By repealing section 3094 thereof.

(43) By amending section 3096 thereof to read as follows:

"Sec. 3096. The city and county attorney may appoint and remove at pleasure such deputies, and he may appoint such other legal assistants, clerks, stenographers, interpreters and other assistants, as may be necessary for the proper performance of the duties of his office and for which appropriations have been made by the board of supervisors."

(44) By amending the second subdivision of section 3098 thereof to read as follows:

"2. Appear in every criminal case where there shall be a change of venue from the courts in the city and county and prosecute the same in any county to which the same shall be changed or removed. The expense of such proceedings shall be paid by the city and county."

(45) By deleting from said section 3098 the fifth subdivision thereof.

(46) By amending the first paragraph of section 3099 thereof to read as follows:

"The public prosecutor of the city and county may appoint and remove at pleasure such deputies, and he may appoint such other legal assistants, clerks, stenographers, investigators,

interpreters and other assistants, as may be necessary for the proper performance of the duties of his office and for which appropriations have been made by the board of supervisors."

(47) By deleting from said section 3099 the last paragraph thereof.

(48) By substituting for the words "his assistants" in the second line of section 3100 thereof the words "anyone connected with his office."

(49) By inserting, after the word "shall" in the first line of section 3101 thereof, a comma and the words "within thirty days after the close of each calendar year,"

(50) By inserting therein a new subdivision, entitled "Public Defender", consisting of a new section, to be numbered section 3102 A, and reading as follows:

"Sec. 3102 A. Appointment; salary; duties. There is hereby created for the city and county the office of public defender, to which shall be appointed, in the manner provided in section 3065, an attorney licensed to practice in the courts of record. It shall be his duty to defend in the circuit court such persons accused of felonies as shall be found by the court, after investigation, to be unable to obtain counsel.

"Upon any such finding the court shall forthwith enter an order referring the matter to the public defender. Should the latter discover any facts tending to show the ability of the accused to

obtain private counsel, he shall forthwith communicate them to the court, whose decision in the matter shall be final.

"The public defender shall receive an annual salary of \$4,000.00. He may maintain his own office and engage in the private practice of law, but his salary shall be in full remuneration for all services performed for such accused persons in regard to the offense charged, nor shall he demand or receive any other compensation for such services. He shall be removable in the manner provided in section 3065.

"In the event of such illness or absence of the public defender as seriously to impede the functioning of the criminal calendar, an acting public defender shall be appointed, in the same manner, and with the same qualifications, duties and privileges, as the public defender. His salary shall be on the same pro rata basis as, and shall come out of, the salary of the public defender.

"It shall be the duty of the board of supervisors to appropriate the funds necessary to pay said salary."

(51) By amending subdivisions 2(e), 2(h), 3 and 4 of section 3103 thereof to read as follows:

"(e) File and preserve all reports required by law to be made to the board;

"(h) Administer oaths and affirmations, when re-

requested to do so, without charge in all matters pertaining to the affairs of his office, and perform such services as may be prescribed by the board;

"3. Adopt, subject to the approval of the board, a seal of office, upon which shall always appear the name of the city and county, which shall be the seal of the city and county, and shall be used to authenticate all official papers and instruments requiring execution or certification by the clerk, in the exercise of his office. A copy of the impress thereof, certified to be genuine, and also a copy of such seal of the city and county when altered or changed by the board shall be filed in the office of the secretary of the Territory;

"4. Have the custody of the seal, and, subject to the provisions of section 1583, of all leases, grants and other documents, records and papers of the city and county. His signature shall be necessary to all leases, grants and conveyances of the city and county."

(52) By amending section 3104 thereof to read as follows:

"Sec. 3104. Clerk's deputies and clerks. The clerk may appoint such deputies, clerks, stenographers and other assistants as may be necessary for the proper performance of the duties of his office, and for which appropriations have been made

by the board of supervisors."

(53) By amending section 3104 A thereof (a) by deleting from the ninth line thereof the words "traffic control" and (b) by inserting, after the word "parks" in the next to the last line thereof the words "and recreation grounds,"

(54) By amending the second sentence of section 3104 B thereof to read as follows:

"He shall be appointed and be removable in the manner provided in section 3065."

(55) By amending section 3104 C thereof to read as follows:

"The chief engineer may appoint or engage such deputies, assistants and employees as may be necessary for the proper performance of the duties of his department and for which appropriations have been made by the board of supervisors. Such deputies, assistants and employees shall discharge any of the duties pertaining to the department as the chief engineer may assign to them.

"The chief engineer, with the approval of the mayor, may also appoint, in writing, any deputy, assistant or employee in his department, or, in case no competent person is so available, any competent person at such compensation as the board may authorize, to serve as acting chief engineer

during his temporary illness, incapacity or absence from the city and county for whose acts the chief engineer shall be responsible, and such appointee shall, during such temporary illness, incapacity or absence of the chief engineer, have and exercise all the powers, duties and functions of the chief engineer, whether prescribed by statute or ordinance, subject to the direction and control of the engineer; provided, however, that any deputy, assistant or employee in the department so appointed as acting chief engineer shall serve as such without additional compensation."

(56) By adding thereto two new sections, to be numbered sections 3104 D and 3104 E, reading as follows:

"Sec. 3104 D. Public works advisory board; appointment; removal; terms; qualifications; no compensation. There is hereby created in the government of the city and county of Honolulu a board, to be known as the 'Public Works Advisory Board', hereinafter referred to as the 'advisory board', which shall consist of five members: (a) at least two of whom shall be engineers duly licensed as such under the laws of the Territory; (b) all of whom shall be citizens of the United States, and shall have resided at least three years immediately preceding such appointment in the city and county of Honolulu; (c) each of whom shall be appointed for a term of four years or for the unexpired term of his predecessor, in the case of an

appointment to fill a vacancy, provided that of the first advisory board appointed hereunder, the members shall be appointed, one for a term to expire one year, two for terms to expire two years, and two for terms to expire four years, from the _____ day of _____, 193____; and (d) all of whom shall serve without compensation. All such appointments shall be made by the mayor with the approval of the board of supervisors, but any member may be removed by the mayor as provided in section 3065.

"Sec. 3104 E. Powers of advisory board; meetings; disqualification. The advisory board shall meet at the call of the chairman, or of the mayor, or of any three members thereof. The board shall advise the mayor upon any matters relating to public works which may be referred to it by him, but its decisions shall be advisory only and not mandatory. No bid shall be accepted by the city and county for the construction of any public works for the undertaking of which the bidder, or any officer, employee, stockholder or partner of such bidder, or any person financially interested in the business of such bidder, being a member of the advisory board, shall have voted."

(56 a.) By adding thereto a new subdivision entitled "Budget and Efficiency Bureau" consisting of ten new sections, to be numbered sections 3104 F to 3104 O, respectively, and reading as follows:

"Sec. 3104 F. Budget and efficiency bureau; director. There is hereby created in the government of the city and county of Honolulu a budget and efficiency bureau, to be in charge of a director who shall be appointed and be removable in the manner provided by section 3065. The bureau, under such rules and regulations as the mayor may prescribe, shall prepare for him the budget, and any supplemental or deficiency estimates, and to this end shall have authority to assemble, correlate, revise, reduce, or increase the estimates of the several departments.

"The director shall receive such annual salary as may be fixed pursuant to the classification provisions of this chapter. He may appoint such clerks, stenographers and other assistants as may be necessary for the proper performance of the duties of the bureau and for which appropriations have been made by the board of supervisors.

"Sec. 3104 G. Duties. The bureau, when directed by the mayor, shall make detailed studies of the several departments for the purpose of enabling the mayor to determine what changes, with a view to securing greater economy and efficiency in the conduct of the government, shall be made in (1) the existing organization, activities, and methods of business of such departments, (2) the appropriations therefor, (3) the assignment

of particular activities to particular departments, or (4) the regrouping of departments and the services performed by them. The results of any such study shall be embodied in a report or reports to the mayor, who may transmit to the board such report or reports or any part thereof with his recommendations on the matters covered thereby.

"The bureau shall, at the request of the board or any committee thereof, furnish the board or committee such aid and information as it may request.

"Sec. 3104 H. Departmental estimates; other information. The head of each department shall prepare or supervise the preparation of his departmental estimates for the succeeding calendar year, and submit them to the bureau on or before November 15 of each year. In case of the failure of the head of any department to do so, the mayor shall cause to be prepared such estimates and data as are necessary to enable him to include in the budget estimates and statements in respect to the work of such department. The departmental estimates and any supplemental or deficiency estimates submitted to the bureau by the head of any department shall be prepared and submitted in such form, manner and detail as the mayor may prescribe.

"Under such rules and regulations as the

mayor may prescribe, every department shall furnish the bureau such information as the bureau may from time to time require, and the director, or any employee of the bureau when duly authorized by the director, shall, for the purpose of securing such information, have access to, and the right to examine, any books, documents, papers or records of any such department.

"Sec. 3104 I. Mayor to transmit budget to board; contents. The mayor shall, on or before January 15 of each year, transmit to the board and to each member thereof a budget which shall set forth in summary and detail (a) estimates of the expenditures and appropriations necessary in his judgment for the support of the city and county government for such year; (b) his estimates of the receipts of said government during said year under all laws and ordinances existing at the time the budget is transmitted; (c) the expenditures and receipts of the government during the preceding year, and (d) the amount of the annual, permanent, or other appropriations, including unexpended balances of appropriations for prior years, available for expenditures during the current year; (e) balanced statements of (1) the condition of the treasury at the end of the preceding year, (2) the estimated condition of the treasury at the end of the current year, based on the previous year's expenditures, and (3) the estimated condition of the treasury at the end of

the current year if the financial proposals contained in the budget are adopted; (f) all essential facts regarding the bonded and other indebtedness of the government, and (g) such other financial statements and data as in his opinion are necessary or desirable in order to make known in all practicable detail the financial condition of the government.

"The budget, and estimates for lump sum appropriations contained therein or transmitted under the following section, shall be accompanied by statements in sufficient detail to inform the board of the manner in which proposed appropriations shall be expended.

"Sec. 3104 J. Supplemental or deficiency estimates. The mayor from time to time may transmit to the board supplemental or deficiency estimates for such appropriations or expenditures as in his judgment may be necessary on account of laws or ordinances enacted after the transmission of the budget, or are otherwise in the public interest. He shall accompany such estimates with a statement of the reasons therefor, including the reasons for their omission from the budget.

"Sec. 3104 K. Estimates or requests not to be submitted by department heads or employees except by request. No estimate or request for an appropriation and no request for an increase in an item of any such estimate or request, shall

be submitted to the board or any committee or member thereof by the head of any department or any employee thereof unless at the request of the board.

"Sec. 3104 L. Basis for the tax rate budget. The budget provided for in section 3104 I, and any estimates submitted under section 3104 J, as revised or modified by the board within the limits permitted by any existing law, shall be used as the basis for the budget to be submitted by the board to the territorial treasurer for the purpose of establishing the tax rate in the city and county under section 1921.

"Sec. 3104 M. Purchasing agent; duties. The director shall appoint a purchasing agent, who shall receive such annual salary as may be fixed pursuant to the classification provisions of this chapter. Subject to the approval of the director, the purchasing agent may appoint such clerks, stenographers and other assistants as may be required and for which appropriations have been made by the board of supervisors. The purchasing agent shall, under the general supervision of the director, purchase all materials, supplies and equipment of every kind and nature required by the several departments of the government. The purchasing agent shall have charge of the sale, exchange or other disposition of used personal property belonging to the city and county when any such

sale, exchange or other disposition is authorized by the board.

"With the approval of the director, the purchasing agent shall establish specifications and tests to cover all requisite purchases of materials, supplies and equipment. He shall, as far as is practicable, standardize materials, supplies and equipment according to the use to which they are to be put, when two or more types, brands or kinds are specified or requisitioned by individual departments.

"The purchasing agent shall, under the general supervision of the director, maintain an inventory of all materials, supplies and equipment purchased, held for and issued to all departments. He shall require a quarterly report from all departments as to the disposition of such articles, and in case of loss or damage deemed by him to be due to negligence, he shall report thereon to the mayor. He shall have authority to require the transfer of surplus property in any department to other departments.

"Sec. 3104 N. Purchasing procedure. All purchases, where the sum to be expended shall be less than \$1000.00, shall be by written purchase order issued in the manner hereinafter provided. All purchases, where the sum to be expended shall be \$1000.00 or more, shall be made by contract let by the purchasing agent in the manner provided in chapter 4.

"Purchases of equipment shall be made in accordance with specifications furnished by the department requiring such equipment in case the use of such equipment is peculiar to such department. For patented or proprietary articles sold by brand name, the purchasing agent may require each department requisitioning the same by such brand name to furnish specifications of the article requisitioned, and may obtain price quotations or advertise for bids on the basis of such specifications, under conditions permitting manufacturers of or dealers in any other articles made and sold for the same purpose to bid on such specifications or on the specifications of their own product. If the purchasing agent recommends the acceptance of the lowest or best price quotation or bid, stating his reasons therefor in writing, and if the department head concerned recommends the acceptance of any other bid on such proprietary articles, stating his reasons therefor in writing, the award shall be determined by the director.

"The purchasing agent shall require departments to make adequate inspection of all articles purchased, and he shall make such other inspection as he deems necessary. He shall direct the rejection of all articles which may be below standards, specifications or samples furnished. He shall not approve any bill or voucher for payment where the articles are not in conformity with specifications, or which are at variance with any contract.

"All purchase orders and contracts shall be

based on written requisitions signed by the head of the department concerned or an assistant designated by him. The purchasing agent shall approve all bills or vouchers for materials, supplies and equipment before the auditor shall draw and approve warrants therefor. Except as hereinabove provided, all purchase orders shall be issued according to price quotations obtained by the purchasing agent pursuant to regulations prescribed by the director. Such regulations and all amendments thereof shall be published once in a daily newspaper before becoming effective.

"Sec. 3104 O. Definitions. When used in sections 3104 F to 3104 N, the term 'department' means any executive department, commission, board, bureau, office, agency, or other establishment of the city and county government. The term 'government' means the government of the city and county of Honolulu."

(57) By amending section 3110 thereof to read as follows:

"Sec. 3110. Deputy sheriffs and other employees. The sheriff may appoint such deputies and employees as may be necessary for the proper performance of the duties of his office and for which appropriations have been made by the board of supervisors. He may also appoint and remove at pleasure additional deputies without pay, not

exceeding a total of fiteen including paid deputies."

(58) By amending section 3115 thereof to read as follows:

"Sec. 3115. Removal of deputies and others. Subject to the career service provisions of this chapter if applicable, any city and county officer may remove from office any deputy, clerk, stenographer or other assistant appointed by him."

(59) By amending section 3117 thereof to read as follows:

"Sec. 3117. Acting members of boards and commissions. The mayor may appoint an acting member of any city and county board or commission to serve during the temporary absence from the Territory or the illness of any regular member thereof. Such acting member shall have the same powers and duties as the regular member."

(60) By amending section 3120 thereof to read as follows:

"Sec. 3120. Additional help. When any officer, board or department shall require additional deputies, clerks, or employees, application shall be made to the mayor therefor, and upon such application the mayor shall make investigation as to the necessity for such additional assistance; and if he finds the same necessary he may recommend

to the board of supervisors to authorize the appointment of such additional deputies, clerks or employees; and thereupon the board of supervisors, by an affirmative vote of not less than five members, may authorize such officer, board or department to make such appointments, subject to the career service provisions of this chapter, and provide for the compensation, subject to the classification provisions of this chapter, of such appointees; provided, however, that nothing in this section shall be construed to prevent the head of any department recognized by the board of supervisors from using any appropriations provided by the board to be available for day laborers, informers, appraisers, or other temporary help as may be consistent with the purposes of such appropriations and the duties of such department head."

(61) By amending section 3121 thereof to read as follows:

"Sec. 3121. Removal of officers and appointive members of boards and commissions. Any officer of the city and county who shall, while in office, accept any donation or gratuity in money, or other valuable thing, either directly or indirectly, from any subordinate or employee, or from any candidate or applicant for any position as employee or subordinate under him, shall be removed from office in the manner provided by law, notwithstanding any career service provision of

this chapter, and be forever barred and disqualified from holding any position in the service of the city and county.

"Any member of any city and county board or commission appointed by the mayor who shall become a candidate for any elective office ipso facto vacates his office as such member. No such member shall, aside from exercising the right to vote, support, advocate or aid in the election or defeat of any candidate for public office, and upon satisfactory proof of such prohibited activity being made to the mayor, he shall summarily remove such offending member."

(62) By amending section 3123 thereof to read as follows:

"Sec. 3123. Liability for unauthorized demands. Every officer who shall approve, allow or pay any demand on the treasury not authorized by law shall be liable to the city and county individually and on his official bond for the amount of the demands so illegally approved, allowed or paid."

(63) By amending section 3125 thereof to read as follows:

"Sec. 3125. Appointments in writing. All appointments of officers, deputies and clerks must be made in writing and in duplicate, authenticated by the person, board or officer making the same. One of such duplicates must be filed with the clerk

and the other with the auditor. When any such appointment shall be revoked the revoking authority shall give written notice thereof to the clerk, auditor, and to the career service commission if the position is within the career service."

(64) By amending section 3126 thereof to read as follows:

"Sec. 3126. Salaries full compensation; moneys payable into treasury. The salaries provided by law for municipal officers or employees shall be in full compensation for all services rendered, and every such officer or employee shall pay all moneys belonging to the city and county coming into his hands as such officer or employee, no matter from what source derived or received, into the treasury of the city and county within thirty days after receipt of the same."

(65) By adding thereto a new section, to be numbered section 3127, reading as follows:

"Sec. 3127. Liability of city and county officers on bond. If any city and county officer should refuse or neglect to account for and pay over all money received by him by virtue of his office, he shall be liable for such refusal or neglect upon his official bond, and the treasurer shall bring an action against him for the recovery thereof, in the name of the city and county, and recover in such action, in addition to the amount

so received, fifty per centum thereon by way of damages. No order of the board of supervisors shall be necessary to bring such action. The treasurer's reasonable expenses, including an attorney's fee if necessarily incurred, shall be a city and county charge."

(66) By adding thereto a new section, to be numbered section 3128, reading as follows:

"Sec. 3128. Private practice by city and county attorney and deputies, public prosecutor and assistants, prohibited. The city and county attorney and his deputies, and the public prosecutor and his assistants, shall devote their entire time and attention to the duties of their respective offices. They shall not engage in the private practice of law, nor accept any fees or emoluments other than their official salaries for any legal services, including masterships, performed by them."

(67) By adding thereto a new section, to be numbered section 3128.1, reading as follows:

"Sec. 3128.1. Vacations. The provisions of sections 103, 104 and 108 relative to vacations for city and county employees shall be mandatory, and no approval of any such vacation by the board of supervisors shall be or become a condition precedent to the taking thereof or to the right of any employee to receive pay for any vacation period

earned and taken. It shall be the duty of the director of the budget and efficiency bureau to assist employees in securing the vacations to which they are entitled, and to report to the mayor all instances of apparent unjust deprivation of vacations.

"Any employee deeming himself aggrieved by the denial of vacation shall have the right of appeal to the mayor, whose duty it shall be to see that the provisions hereof are carried out. The heads of departments, and the boards and commissions shall include in their respective departmental estimates for the budget requests for funds adequate to provide for such substitutes as are necessary to replace employees to be on vacation during the succeeding annual period."

(68) By adding thereto a new section, to be numbered section 3128.2, reading as follows:

"Sec. 3128.2. Sick leave. In extending sick leave for any city and county employee, pursuant to the provisions of section 105, the mayor may, for the first four weeks extension thereof, provide that such employee shall during said time draw full pay, or such percentage thereof as the mayor deems proper, but no employee shall be entitled to or draw any pay during any extension of sick leave beyond the first eight week period thereof, unless the same be provided for under chapter 245."

(69) By adding thereto a new section, to be numbered section 3128.3, reading as follows:

"Sec. 3128.3. Assignments of salary; endorsement of notes; loans. No assignment by any city and county employee of his salary or any portion thereof shall be valid unless approved by the head of his department, board or commission and accepted by the auditor.

"No city and county officer or employee shall lend any money to any other city and county officer or employee where interest is charged, directly or indirectly, on such loan, nor shall any city and county officer or employee, without the prior written consent of the head of the department, board or commission in which he is employed, act as endorser or co-maker on any note of any other city and county officer or employee. Violation of either of the provisions of this paragraph shall be ground for removal."

(70) By adding thereto the following sub-titles and sections:

"CAREER SERVICE

"Sec. 3129. Commission; appointment; term of office. There is hereby established a career service commission for the City and County of Honolulu consisting of three members who shall be appointed by the mayor with the approval of the board of supervisors, who shall hold office for three years or until their successors are ap-

pointed and qualified; provided, however, that of the first members appointed under the provisions of this subtitle, one member shall be appointed for a term expiring January 1, 1940, one for a term expiring January 1, 1941, and one for a term expiring January 1, 1942. One of the members shall be designated by the mayor as the chairman of the commission. Any vacancy in the commission occurring otherwise than by expiration of a term of office shall be filled for the remainder of such unexpired term.

"Sec. 3129.1. Compensation of members.

The members of the commission shall be paid compensation for their services at the rate of five dollars per day for each day's actual attendance upon their duties, provided, however, that no member shall receive more than fifty dollars for any month on account of such compensation. The commission shall meet at least once in each month, at such place as shall be made available for such purpose by the board of supervisors, and at such times as may be designated in advance by the commission and at such other times for which meetings may be specially called by the chairman or acting chairman.

"Sec. 3129.2. Administrative officer; attorney. The commission shall appoint an administrative officer who shall also act as its secretary, and shall have the title of director of personnel. Such administrative officer shall be a

person thoroughly in sympathy with the application of modern methods and sound business principles in the administration of personnel, thoroughly familiar with and skilled in the principles and methods of personnel administration, and with at least five years' recent experience in such work.

"Such appointment shall be made only from such list of applicants as shall have been (a) examined by a committee of three persons appointed by the mayor, two of whom shall be persons engaged in personnel administration with corporations in the Territory, and one of whom shall be an educator in the Territory, to serve without compensation except reimbursement of their actual expenses, and (b) by such committee found qualified for such position and recommended for appointment; provided, that if such committee shall be unable to agree upon any examination or recommendation, the commission may thereupon conduct its own examination for such applicants and act upon the same without the recommendation of such committee. The director of personnel, with the approval of the commission, shall appoint such assistants and employees as may be necessary for the proper performance of the commission's duties under this subtitle and for which appropriations shall have been made by the board of supervisors. The administrative officer and such assistants and employees shall receive such salaries as shall be fixed pursuant to the classification provisions of this chapter. The administrative offi-

cer and such assistants and employees shall be members of the career service system and shall be chosen in conformity with this subtitle and the rules of the commission.

"The city and county attorney shall be the attorney for the commission.

"Sec. 3129.3. Appointments and promotions; positions excepted from the provisions of this subtitle. As used in this subtitle, 'position' includes both an office and an employment other than an office. All appointments, promotions and changes in status of the persons employed in the public service of the city and county, or whose compensation is paid from city and county funds, shall be made in the manner prescribed by this subtitle and in accordance with the rules adopted by the commission in the manner hereinafter set forth, provided, however, that this subtitle shall not apply to the following positions in the public service of the city and county:

- (a) Private secretary to the mayor.
- (b) Positions filled by persons employed by contract to render special or temporary services for the city and county where such contract is certified by the commission to be for a service which from its nature can better be performed by other than a career service employee.
- (c) Officers elected by popular vote.
- (d) Members of any board, commission or other city and county agency whose appointments

are required under the laws of the Territory to be made by the mayor and confirmed by the board of supervisors.

- (e) The city and county attorney and his deputies.
- (f) The public prosecutor and his deputies.
- (g) The public defender.
- (h) Members of the police department.
- (i) The city and county physician and assistant physicians.
- (j) The chief engineer of the city and county.
- (k) Manager, board of water supply.
- (l) Positions on work which is financed jointly by ^{the} city and county and the United States, the Territory, or cooperating persons or organizations other than the city and county, the pay for which positions is fixed under a cooperative agreement with the city and county.
- (m) Positions for which none or only a part of the compensation is paid from the funds of the city and county.
- (n) District magistrates.
- (o) Private counsel specially employed by any department or officer having authority to contract for such employment.

"Sec. 3129.4. Register of unskilled laborers. The commission shall keep a register for each judicial district of the city and county upon which shall be entered, in the order of their application, the names of all residents of such district

who apply for employment in the class of unskilled laborers employed by the day, and who, without competitive examinations but after such physical examination as the commission may prescribe, are found to be capable of performing in a satisfactory manner the duties of the occupation sought. The head of any department in which a position in said class of unskilled laborers is to be filled, shall notify the administrative officer of that fact, and the administrative officer shall thereupon certify to such department head the name and address of the applicant standing first in order on the register for the district in which the duties of such position are to be performed, and the applicant thus certified shall thereupon be offered employment in such position; provided, that the commission may, by its rules, from time to time prescribe or provide for: (a) various limits as to the number of persons who may be so registered in the respective districts; (b) exceptions to such preferential employment of persons registered in a particular district or standing first on said list, where such preferential hiring may cause excessive expense, inconvenience or other material prejudice to the city and county, or is otherwise impracticable; (c) rotation of employment where the commission deems such rotation in the interest of the community; and, (d) preferences superior to the foregoing based upon efficiency ratings and other provisions of the classification provisions of this chapter.

"Sec. 3129.5. Rules. The commission shall from time to time make such rules governing the selection, appointment, promotion, demotion, transfer, termination of service and leaves of absence of persons employed or to be employed in the career service of the city and county as in its judgment shall secure the best service. Such rules after having been posted in the office of the commission for twenty days, which posting shall be certified by the administrative officer, shall have the force and effect of law and shall thereupon be printed in pamphlet form and made available to the public. Such rules may be altered, amended or repealed in like manner as the same were adopted. Such rules shall, among other things, as nearly as the conditions of good administration shall warrant, provide and declare as follows, and comply with the following requirements:

1. That there shall be open competitive examinations for testing the fitness of applicants for positions or employment in the career service; such examinations shall be practical in their character and so far as possible shall provide for ascertaining the physical and educational qualifications, experience, knowledge and skill of applicants and their relative capacity and fitness for the proper performance of the duties of the service in which they seek to be employed, according to the requirements of each position; notice of the time and place of each examination and of the positions for which applicants will be examined shall be given

by posting a written statement thereof in the office of the commission and by one or more publications thereof in a daily newspaper published in Honolulu, the first such publication to be not less than thirty days before the examination date, and by such other means of publicity as shall, in the commission's opinion, be calculated to apprise all prospective applicants for such positions of such examination; provided, that where in the commission's judgment such action will tend to encourage students to better qualify themselves for positions in the career service, and subject to such rules as the commission may prescribe and within the limits of any appropriations therefor made by the board of supervisors, provision may be made for a limited number of students to perform part or full time work in the service of the city and county with or without compensation, and after such period of satisfactory service by such students as the commission shall prescribe, such students may be given preference in appointment to such positions in the career service as the commission shall designate within the range of their qualifications and experience by satisfactorily passing a non-competitive examination therefor;

2. That there shall be a period of probation not exceeding one year, except as otherwise provided in this subtitle, before any absolute appointment or employment of any person in the career service is made;

3. That no person in the career service shall

be obliged to contribute to any political fund nor to render any political service and that he shall not be removed or otherwise prejudiced for refusing to do so;

4. That no person in such service shall have any right to use any official authority or influence to coerce the political action of any person or body;

5. That there shall be non-competitive examinations in all proper cases before the commission when competent persons do not compete after notice has been given of the existence of the vacancy, or when in the opinion of the commission the position to be filled calls for special qualifications and training that do not admit of competition, all, however, under such rules as may be prescribed by the commission;

6. That notice shall be given in writing by the appointing power to the commission of the person selected for the employment among those who have been examined, of the rejection of any such persons during probation, of transfers, resignations and removals, and of the date thereof, and a record of the same shall be kept by the commission;

7. That all examinations shall be public and free to all citizens of the Territory, with proper limitations as to health, age, residence, sex, education, experience, habits and character, which examinations may be oral or written or partly oral and partly written, and may include tests of manual skill and physical strength, all such examinations

to be under the control of the commission, which may designate the administrative officer or some other suitable person to conduct them; provided that when such examinations are oral they shall be objective;

8. That no person in the public service of the city and county and no applicant for a position in the public service shall be required as a condition of appointment, transfer, promotion or retention in service to join or to refrain from joining any organization or association of employees;

9. That whenever any person has been appointed under the provisions of this subtitle and in full conformity with the rules of the commission for the career service, he shall hold such position during good behavior subject to suspension or removal only as provided in section 3129.7 or section 3065 and in the rules of the commission, and subject to retirement as provided in chapter 260;

10. That no person holding any position in the career service (other than those holding probationary appointment) shall be dropped or dismissed from his position on racial, religious or political grounds, but only for such causes as will promote the efficiency of government service and for reasons given him in writing, and the person so removed or dropped shall receive written notice of such action and of any charge preferred against him and be furnished with a certified copy thereof;

11. That vacancies and new positions shall be filled by promotion or appointment, as the case may be, of persons then in the career service when-

over practicable and in the opinion of the commission and of the heads of the various departments of the government for the best advantage of the public service; otherwise from persons who have satisfactorily passed the examination prescribed by the commission for the particular position or vacancy to be filled.

"Sec. 3129.6. Reemployment. Whenever any employee who has been performing his duties in a satisfactory manner, as shown by the records of the department or other agency in which he has been employed, is laid off because of lack of work or lack of funds, or has been on authorized leave of absence and is ready to report for duty when a position is open, or has resigned in good standing and with the consent of the head of the department under whose jurisdiction he was employed, and has withdrawn his resignation without being restored to his position, the commission shall cause the name of such employee to be placed on the reemployment list for the appropriate type of position for reemployment. The order in which names shall be placed on the reemployment list for any type of position shall be determined by the commission. No person shall be reinstated or have his name restored to a reemployment list unless such resignation is withdrawn within one year after it has been presented and accepted.

"Sec. 3129.7. Removal and suspension. Any member of the career service may be removed or sus-

pended for cause by the appointing authority in the manner provided by the rules of the commission. Any member of the career service removed for cause or suspended for a period exceeding, or which added to any previous suspension exceeds, sixty days in any calendar year, may, within ten days from the date of the service upon him of a certified copy of the order removing or suspending him, or, in case he cannot be found, within twelve days from the mailing of such certified copy by registered mail addressed to him at his last known address, appeal to the commission for a review of the case; the commission shall thereupon entertain such appeal and shall make such investigation and hold such hearings as in its opinion the facts warrant, and shall thereupon make its finding as to whether such dismissal or suspension was for just and adequate cause or otherwise, and in such connection may either sustain such dismissal or suspension or recommend leniency or reinstatement or transfer to another department upon such terms as the commission shall deem proper, but final action upon any such recommendation shall be within the discretion of the appointing authorities concerned. No member of the career service shall receive any compensation for the period of any suspension unless the appointing authority within thirty days after reinstatement shall so order. This section shall not apply to any appointment made for a probationary period.

"Sec. 3129.8. Investigations; attendance of witnesses. The commission shall have power to make

investigations concerning all matters touching the enforcement and effect of the provisions of this subtitle and the rules prescribed thereunder, or concerning the action of any officer or employee of the city and county in respect to the execution of the provisions of this subtitle; and in the course of such investigations or any hearings on appeal or otherwise before the commission, each commissioner and the secretary shall have power to administer oaths.

"In all investigations made by the commission and in all proceedings before it, the commission shall have the same powers respecting compelling the attendance of witnesses and the production of documentary evidence and examining witnesses as are possessed by circuit judges at chambers. All subpoenas shall be signed by the secretary or acting secretary of the commission.

"If any person subpoenaed as a witness to attend before the commission, or to produce any books, papers, or records called for by the process of the commission, shall fail or refuse to respond thereto, or refuse to answer questions propounded by any member of the commission, or its attorney, material to the matter pending before the commission, it shall be the duty of any circuit judge, on application by the commission or any member thereof, to compel obedience to any process of the commission and to require any witness to answer questions put to him as aforesaid, and to punish as a contempt of court any refusal to comply with the court's order unless good

cause is shown therefor. False swearing by any witness before the commission shall constitute perjury and shall be punished as such.

"Sec. 3129.9. Certification of pay rolls.

The auditor shall not draw or authorize the drawing of any warrant on the treasurer of the city and county for the payment of any salary or compensation to any person in the career service unless the appointment of such person has been previously certified by the administrative officer to have been made in accordance with the provisions of this subtitle and the rules thereunder where such appointment is subject to said provisions and rules.

"Sec. 3130. Political activity prohibited.

Any person in the career service who shall become a candidate for election to any public office ipso facto vacates his position. No person in the career service shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. Each person in such service, while retaining the right to vote as he pleases and to express privately his opinions on all political subjects, shall not serve as an officer of a political club or as a member of any of its committees or take other active part in political management or in political campaigns. Any person in the career service who shall engage in any political activity forbidden by this section shall be removed or suspended as provided in Section 3129.7 and in the rules.

"Sec. 3130.1. Certain officers and employees made members of the system. All those officers and employees in the public service of the city and county who have received their appointment under the provisions of sections 3160 to 3166, inclusive, or any rules enacted thereunder, are hereby made members of the career service of the city and county and shall receive permanent appointment without further examination. All the present employees in the public service of the city and county who have completed one year of satisfactory service shall become members of the career service system and shall be given similar appointment therein without further examination. All other employees now in the public service of the city and county are hereby given probationary appointment in the career service. All of the present employees of the city and county given probationary appointments under the provisions of this section shall, upon the completion of one year of satisfactory service, and satisfactorily passing non-competitive examinations for their respective positions, become members of the career service without examination. All persons hereafter employed in the career service of the city and county and all promotions, demotions and discharges hereafter made in the career service shall only be made under the provisions of this subtitle and under the rules adopted by the commission pursuant to the terms thereof, and all persons employed under the terms of this subtitle shall, upon satisfactory service during the probationary period,

become members of the career service of the city and county."

"CLASSIFICATION

"Sec. 3130.2. Declaration of policy. Among other things, it is the purpose of this subtitle to provide a method of administration whereby --

(a) Rates of pay for positions under this subtitle shall be so fixed that there shall be equal pay for equal work under comparable employment conditions, irrespective of the sex of the incumbents, and that differences among scales of pay for positions shall be logically related to differences in the character, importance, difficulty, responsibility, and employment conditions of the work involved.

(b) Individual positions under this subtitle in accordance with their duties and responsibilities shall be so grouped and identified by classes, as defined herein, and the various classes shall be so described in published class specifications, as provided for herein, that the resulting classification system can be used to clarify and facilitate not only salary administration but also all other phases of personnel administration.

"Sec. 3130.5. Definitions. As used in this subtitle the following terms have the following meanings: "Department" means an executive or administrative department of the government of the city and county, including any independent board or

commission; and a governmental establishment in the executive branch of the government which is not a part of an executive department.

"The head of the department" means the officer or group of officers in the department who are not subordinate or responsible to any other officer or group of officers of the department.

"Position" means a specific civilian office or employment, whether occupied or vacant, calling for the performance of certain duties and the carrying of certain responsibilities by one individual, either on a full time or a part time basis.

"Employee" means any person temporarily or permanently in a position.

"Compensation" means any salary, wage, fee, allowance, or other emolument paid to an employee for performing the duties and exercising the responsibilities of a position.

"Class" means a group of positions established under this subtitle sufficiently similar in respect to their duties and responsibilities that the same requirements as to education, experience, knowledge, and ability should be demanded of incumbents, that the same tests of fitness may be used to choose qualified employees, and that the same schedule of compensation can be made to apply with equity under the same or substantially the same employment conditions.

"Service" means the broadest division of related classes of positions.

"Grade" means a subdivision of service, including one or more classes of positions for which

comparable basic qualifications and compensation are prescribed, the distinction between grades being based upon differences in the importance, difficulty, responsibility, and value of the work.

"Sec. 3130.4. Career service commission to administer subtitle; administrative officer, assistants, etc.

(a) The provisions of this subtitle shall be administered and performed by the career service commission, which, in such connection, shall have and exercise all such general rights, powers and duties with respect to the enforcement of this subtitle as it has and exercises with respect to the enforcement of the subtitle "Career Service".

(b) The chief administrative officer of the career service commission shall be the director of classification, and, under the general direction of the commission, shall exercise and perform all powers and duties which the commission is authorized to exercise and perform. The director shall, subject to the approval of the commission, appoint such other employees, subordinates, and assistants as may be necessary for the proper performance of the commission's duties under this subtitle and for which appropriations have been made by the board of supervisors.

(c) Officers or employees of the several departments may be temporarily detailed by the mayor to assist the commission as required, and in such event shall serve without additional compensation

but no such officer or employee and no employee of the commission shall be deprived of his regular compensation because of such service with the commission.

"Sec. 3130.5. General duties and powers of the commission. The duties of the commission under this subtitle shall be:

(1) To make all necessary rules not inconsistent with the provisions of this subtitle.

(2) To decide what positions come within the scope of this subtitle as defined in section 3130.6.

(3) To decide which of the positions coming within the scope of this subtitle are subject to the compensation schedules prescribed in section 3132 and which are subject to the principles and procedures specified in section 3130.7.

(4) To prepare, establish, publish, and keep current adequate specifications for all classes of positions covered by this subtitle, including those which are not subject to the compensation schedules prescribed in section 3132 showing (a) the title established by the commission for each class, (b) the duties and responsibilities involved in each class, illustrated where necessary by examples of typical tasks or typical positions in the class, (c) the minimum qualifications required for the satisfactory performance of such duties and tasks, and (d) the service and grade allocation or the salary rates for each class.

(5) To designate additional classes as necessity may arise and to combine, divide, alter, or abolish existing classes.

(6) To prescribe additional services to cover all positions which are not subject to section 3130.7 (a), and which shall not fairly and reasonably be allocable to grades within one of the services described within the compensation schedules herein, such services to consist of grades with the same ranges of compensation provided by section 3132 for positions which are comparable therewith as to qualifications and duties.

(7) To subdivide the several grades of the compensation schedules herein into appropriate classes and prescribe such minimum and maximum salary rates for each class as the commission may consider proper within the range of the grade involved.

(8) To ascertain currently the facts as to the duties and responsibilities of any position within the scope of this subtitle, and to determine finally the class to which any such position shall be allocated, and in addition the service and grade to which classes of positions subject to the compensation schedules prescribed in section 3132 shall be allocated.

(9) To review the allocations of positions to classes or of classes to services and grades and, subject to the mayor's approval, to change such allocations whenever in its opinion the facts warrant; provided, that such review and change shall be made only after consultation with the heads of the departments concerned and after affording all incumbents of positions affected an opportunity to be heard, of which hearing a permanent written record

shall be made and kept, including all testimony taken; provided, further, that in all cases where the commission shall change the allocation of a position to a lower grade or class the rate of pay fixed for such position prior to such change may be continued so long as the position is held by the incumbent then occupying it.

(10) To prepare, establish, and publish schedules of adjustments in compensation for positions carrying maintenance and for positions requiring only part time service, to render final decisions applying these schedules to individual positions, and to make reviews and revisions of such schedules and decisions when necessary.

(11) To make studies of the rates of compensation provided in section 3132 for the various services and grades with a view to recommending to the mayor any readjustment deemed by the commission to be just and reasonable, and to make investigations upon all matters touching the administration of this subtitle and its practical effect. The commission shall, after such study and at such subsequent times as may be necessary, report its conclusions to the mayor with any recommendations which it may deem advisable for the more effectual accomplishment of the purposes of this subtitle.

(12) If the commission adopts or establishes any rules, regulations, schedules, classifications, procedure or practices, already so adopted or established by the Federal Civil Ser-

vice Commission, which are set forth in printed documents, pamphlets, or books, copies of which can be and are secured by the commission, and can be definitely identified by reference to the title, page number, or other designation thereof, the same need not be set out in full but may be adopted and established by such reference alone thereto, anything to the contrary in this subtitle notwithstanding.

"Sec. 3130.6. Scope of this subtitle. Except as specifically provided in section 3132., this subtitle shall apply to all positions (including positions the compensation for which is now prescribed by law) the compensation for which is paid directly from city and county funds, except (1) elective offices; (2) positions the appointments to which are made by the governor under the provisions of the first paragraph of section 80 of the Hawaiian Organic Act; (3) members of the police department; (4) members of the fire department; (5) private counsel specially employed by any department or officer having authority to contract for such employment; (6) other positions excepted elsewhere in this subtitle, to the extent of such exception.

"Sec. 3130.7. Scope of the compensation schedules of this subtitle; special duties and powers of the commission.

(a) The compensation schedules prescribed in section 3132 shall not apply to positions the duties of which are to perform or assist in apprentice, helper, or journeyman work in a recognized trade or

craft, or to perform the work of a skilled artisan or a skilled or an unskilled laborer. The rates of compensation for such positions shall be fixed and adjusted from time to time by the commission so as to conform, as nearly as is consistent with the public interest, with the prevailing rates for similar positions under similar employment conditions in private or federal establishments in the locality where the work is performed. Such rates shall be determined after an investigational procedure conducted by the commission which shall make use of existing wage board organizations and methods as far as practicable, after consultation with the heads of departments, and after opportunity for hearings open to employees affected has been granted; provided, that the compensation schedule herein may, in the discretion of the commission, be made to apply to any class of positions involving the maintenance and care of the city and county property.

(b) The commission is hereby authorized, after suitable investigation which shall include consultation with the heads of the departments in which such positions are located, to exclude from the compensation schedules prescribed in section 3132, and if in its judgment it is practicable and desirable, to establish different compensation rates and procedures for, any or all of the positions in the following groups: positions on work which is financed jointly by the city and county and the Territory, the United States, or cooperating persons or organizations, other than the city and county, the pay of

which is fixed under a cooperative agreement with the city and county; positions none or only part of the compensation of which is paid from the funds of the city and county; positions filled by inmates, patients, students, or beneficiaries in government institutions; emergency, seasonal, or other positions the duties of which are of purely temporary duration or which are required only for brief periods at intervals; and positions filled by persons employed locally on a fee, contract, or piecework basis who may lawfully perform their duties concurrently with their private profession, business, or other employment, and whose duties require only a portion of their time, where it is impracticable to ascertain or anticipate the proportion of time devoted to the service of the city and county.

(c) If the commission shall determine at any time that the rates of the compensation schedules prescribed in section 3132 are inadequate for positions having the characteristics described below, it is hereby authorized, after consultation with the heads of departments, to establish on account of such characteristics necessary schedules of differentials or adjustments in the rates prescribed in such compensation schedules, but the differential in the compensation of any such position shall not exceed 25 per cent of the minimum rate of the class to which such position is allocated under such compensation schedules; positions whose

duties and responsibilities cause them to fall within the compensation schedules prescribed herein, but which are located at stations which are isolated, remote, or inaccessible when compared with stations at which positions of the same class are usually located, or which involve physical hardships or hazards which are excessive when compared with those usually involved in positions of the same class or occupation; provided, that nothing herein contained shall preclude the com-

mission from taking the factor of isolation, hardships or hazard into consideration in allocating a given class to a service and grade under the compensation schedules herein if it is uniformly involved in each position in the class, in which event no adjustment is authorized under this section in the rates so determined.

(d) The commission shall prepare, publish, and keep current appropriate rules for carrying paragraphs (a), (b), and (c) hereof into effect. Such rules shall include among other things the current wage schedules for the groups of positions covered by paragraph (a), definitions of any exclusions covered by paragraph (b), schedules of differentials or adjustments covered by paragraph (c), and class specifications in the form provided for in section 3130.5, covering the positions included within all such paragraphs, which specifications shall adequately indicate the duties and responsibilities of such positions under the titles by which they are referred to in the wage schedules, the schedules of differentials or adjustments, or the rules.

"Sec. 3130.8. Procedure for the initial classification of positions under this subtitle. Upon the passage of this subtitle, and in accordance with a uniform procedure prescribed by the commission, the head of each department shall allocate all positions in his department coming within the scope of this subtitle to the appropriate classes described in the specifications promulgated by the commission and shall report such allocations to the commission in such form and manner as it shall direct. The commission shall review such reports and

may affirm or modify or change the allocations made by such department head, and shall thereupon certify approved allocations to the departments as promptly as possible. Upon receipt of such certificates the heads of departments shall fix the rate of compensation of each employee involved. If the position occupied by the employee is subject to the compensation schedules prescribed in section 3132, such rate shall be fixed in accordance with the rules prescribed in section 3130.9. If the position occupied by the employee is not subject to said compensation schedules, such rate shall be fixed in accordance with the schedules and rules promulgated by the board under section 3130.7, paragraph (d).

"Sec. 3130.9. Adjustments of compensation to conform with classification. In determining initially the compensation to be paid employees occupying positions covered by the compensation schedules prescribed in section 3132 herein, the following rules shall govern:

(1) If the employee is receiving compensation less than the minimum rate of the class in which his duties fall, the compensation shall be increased to that minimum rate.

(2) If the employee is receiving compensation within the range of salary prescribed for the appropriate class, at one of the rates fixed therein, no change shall be made in the existing compensation.

(3) If the employee is receiving compensation within the range of salary prescribed for the appropriate class, but not at one of the rates fixed therein, the compensation shall be increased to the next higher rate.

(4) If the employee is receiving compensation in excess of the maximum rate prescribed for the appropriate class, no change shall be made in the existing compensation.

(5) All new appointments shall be made at the minimum rate of the appropriate class.

"Sec. 3131. Increases of compensation and efficiency ratings. Increases in compensation of employees occupying positions subject to the compensation schedule prescribed in section 3132 to the next higher rate within the salary range of the class to which their positions are respectively allocated shall be allowed at the end of each year's service upon the attainment and maintenance of the requisite standard of efficiency; provided, that in no case shall the compensation of any employee be increased more than one rate in any year nor to a rate higher than the maximum rate for the class to which his position is allocated. Nothing herein contained shall be construed to prevent the promotion of an employee from a position in one class to a vacant position in a higher class at any time, and when so promoted the employee shall receive compensation according to the schedule established for the class to which he is promoted.

"Sec. 3131.1. Efficiency ratings. The head of each department shall determine and record at least once each month whether the services of each employee under his jurisdiction occupying a position which is subject to the compensation schedules prescribed in section 3132, or which is otherwise subject to classification under this subtitle, have

been (a) good, (b) fair, or (c) unsatisfactory. Each such department head shall report to the commission annually and at such other times as the commission may require the efficiency ratings of all, or such, employees as the commission may require. The commission by rule may prescribe the manner and form in which such ratings shall be kept and reported.

Any employee rated "good" shall be eligible for advancement to the maximum rate of his class; any employee rated "fair" shall not be eligible for salary advancement within the range of pay for his class, and if he shall be already receiving a salary higher than the middle rate of his class he shall be reduced one salary rate; any employee rated "unsatisfactory" shall be demoted to a lower class or dismissed; provided that upon the complaint of any employee, or upon its own initiative, the commission may investigate any such rating and, if it finds the same to be incorrect, may correct the same in accordance with its findings and such corrected rating shall control in the application of this section.

"Sec. 3131.2. Use of class titles; transfers and promotions; temporary appointments unaffected. The class title and grade of each position shall be used in personnel, budget and financial records and communications. As far as practicable the commission may indicate or designate, in its rules, the normal or probable lines of promotion to and from the various classes and positions.

Subject to such rules as the commission may

from time to time prescribe, and regardless of the department in which the position is located, an employee may be transferred from a position in one grade or class to a vacant position within the same grade or class at the same rate of compensation in the same or a different department or promoted to a vacant position in a higher grade or class at a higher rate of compensation in the same or a different department, any provisions of existing statutes to the contrary notwithstanding.

Nothing contained in this subtitle shall be construed to make permanent any temporary appointment under existing law.

"Sec. 5132. The compensation schedules. The compensation schedules for positions which are subject thereto under the provisions of this subtitle shall be as follows:

PROFESSIONAL AND SCIENTIFIC SERVICE

The professional and scientific service shall include all classes of positions the duties of which are to perform routine, advisory, administrative, or research work which is based upon the established principles of a profession or science, and which requires professional, scientific, or technical training equivalent to that represented by graduation from a college or university or recognized standing.

Grade 1.

Grade 1 in this service shall include all classes of positions the duties of which are to perform, under immediate supervision, and with little opportunity for the exercise of independent judgment, elementary work requiring professional, scientific, or technical training as herein specified, but little or no experience.

The annual rates of compensation for this grade shall be \$2,050, \$2,170, \$2,300, \$2,450, and \$2,600.

Grade 2.

Grade 2 in this service shall include all classes of positions the duties of which are to perform, individually or with trained assistants, under general supervision, and with limited latitude for the exercise of independent judgment, important routine work, somewhat difficult in character, requiring professional, scientific, or technical training as herein specified, and additional professional, scientific, or technical training or experience.

The annual rates of compensation for this grade shall be \$2,600, \$2,760, \$2,930, \$3,110, and \$3,300.

Grade 3.

Grade 3 in this service shall include all classes of positions the duties of which are to perform, individually or with trained assistants, under general supervision, and with considerable latitude for the exercise of independent judgment, responsible work of moderate difficulty and importance, requiring professional, scientific, or technical training as herein specified and considerable additional professional, scientific, or technical training or experience which has demonstrated capacity for sound independent work.

The annual rates of compensation for this grade shall be \$3,300, \$3,500, \$3,700, \$3,900, and \$4,100.

Grade 4.

Grade 4 in this service shall include all classes of positions the duties of which are to perform, individually or with trained assistants, under general supervision, and with wide latitude for the exercise of independent judgment, responsible work of considerable difficulty and importance requiring somewhat extended professional, scientific, or technical training and experience which has demonstrated important attainments and marked capacity for independent work.

The annual rates of compensation for this grade shall be \$4,100, \$4,320, \$4,540, \$4,770, and \$5,000.

Grade 5

Grade 5 in this service shall include all classes of positions, the duties of which are to perform individually or with trained assistants, under general administrative supervision, and with wide latitude for the exercise of independent judgment, work of marked difficulty, importance, and responsibility requiring extended professional, scientific, or technical training and experience which has demonstrated leadership and attainments of a high order in professional, scientific, or technical research, practice, or administration.

The annual rates of compensation for this grade shall be \$5,000, \$5,250, \$5,500, \$5,750, and \$6,000.

Grade 6

Grade 6 in this service shall include all classes of positions the duties of which are to perform, individually or with trained assistants, under administrative direction, and with wide latitude for the exercise of independent judgment, work of exceptional difficulty, importance, and responsibility requiring extended professional, scientific, or technical training and experience which has demonstrated leadership and marked attainments in professional, scientific, or technical research, practice, or administration; or to serve as the assistant head of a major professional or scientific bureau or commensurate organization; or to serve as consulting specialist and to furnish for final executive action expert critical advice on professional, scientific, or technical problems or policies of exceptional importance; or to perform professional or scientific work of equal importance, difficulty, and responsibility.

The annual rates of compensation for this grade shall be \$6,000, \$6,300, \$6,600, \$6,900, and \$7,200.

Grade 7

Grade 7 in this service shall include all classes of positions the duties of which are to perform, individually or with trained assistants, under general administrative direction, and with wide latitude for the exercise of independent judgment, work of outstanding difficulty, importance, and responsibility requiring extended professional, scientific, or technical training and experience which has demonstrated leadership and exceptional attainments in professional, scientific, or technical research, practice, or administration; or to serve as the head of a professional or scientific bureau which, considering its size, the kind, variety, and degree of importance of the work with which it is charged, and the scope and complexity of its problems of administration, is one of the major bureaus of the government; or to serve as the head of a commensurate organization; or to serve as the assistant head of one of the outstanding professional or scientific bureaus or commensurate organizations; or to serve as professional consultant to a department head or a commission or board and to furnish for final executive action expert critical advice on professional, scientific, or technical problems or policies of outstanding difficulty and importance; or to perform professional or scientific work of equal importance, difficulty, and responsibility.

The annual rates of compensation for this grade shall be \$7,500, \$8,000, and \$8,500.

Grade 8

Grade 8 in this service shall include all classes of positions the duties of which are to serve as the head of a professional or scientific bureau which, considering its size, the kind, variety, and degree of importance of the work with which it is charged, and the scope and complexity of its problems of administration, is one of the outstanding bureaus of the government; or to serve as the head of a commensurate organization; or to perform professional or scientific work of equal importance, difficulty, and responsibility.

The annual rate of compensation for this grade shall be \$9,500.

SUBPROFESSIONAL SERVICE

The subprofessional service shall include all classes of positions the duties of which are to perform work which is incident, subordinate, or preparatory to the work required of employees holding positions in the professional and scientific service, and which requires or involves professional, scientific, or technical training of any degree inferior to that represented by graduation from a college or university of recognized standing.

Grade 1

Grade 1 in this service shall include all classes of positions the duties of which are to perform, under immediate supervision, the simplest routine subordinate work of a professional, scientific, or technical character.

The annual rates of compensation for this grade shall be \$1,080, \$1,170, \$1,260, \$1,350, and \$1,440.

Grade 2

Grade 2 in this service shall include all classes of positions the duties of which are to perform, under immediate supervision, with little or no latitude for the exercise of independent judgment, elementary subordinate work of a professional, scientific, or technical character, requiring limited subprofessional training or experience.

The annual rates of compensation for this grade shall be \$1,260, \$1,350, \$1,440, \$1,530, and \$1,620.

Grade 3

Grade 3 in this service shall include all classes of positions the duties of which are to perform, under immediate supervision, and with little or no latitude for the exercise of independent judgment, routine subordinate work of a professional, scientific, or technical character, requiring somewhat limited subprofessional training or experience, and familiarity with a limited field of professional, scientific, or technical work.

The annual rates of compensation for this grade shall be \$1,440, \$1,530, \$1,620, \$1,720, and \$1,820.

Grade 4

Grade 4 in this service shall include all classes of positions the duties of which are to perform under immediate or general supervision, with limited latitude for the exercise of independent judgment, somewhat difficult and responsible subordinate work of a pro-

professional, scientific, or technical character, requiring a moderate degree or subprofessional training or experience and good knowledge of a limited field of professional, scientific, or technical work.

The annual rates of compensation for this grade shall be \$1,620, \$1,720, \$1,820, \$1,930, and \$2,050.

Grade 5

Grade 5 in this service shall include all classes of positions the duties of which are to perform, under immediate or general supervision, with moderate latitude for the exercise of independent judgment, moderately difficult and responsible subordinate work of a professional, scientific, or technical character, requiring considerable subprofessional training or experience, and thorough knowledge of a limited field of professional, scientific, or technical work.

The annual rates of compensation for this grade shall be \$1,820, \$1,930, \$2,050, \$2,170, and \$2,300.

Grade 6

Grade 6 in this service shall include all classes of positions the duties of which are to perform, under immediate or general supervision; with moderate latitude for the exercise of independent judgment, difficult and responsible subordinate work of a professional, scientific, or technical character, requiring thorough subprofessional training or experience, and thorough knowledge of a limited field of professional, scientific, or technical work.

The annual rates of compensation for this grade shall be \$2,050, \$2,170, \$2,300, \$2,450, and \$2,600.

Grade 7

Grade 7 in this service shall include all classes of positions the duties of which are to perform, under general supervision or direction, and with considerable latitude for the exercise of independent judgment within a limited field, subordinate work of considerable difficulty and responsibility of a professional, scientific, or technical character, requiring somewhat extended subprofessional training or experience, and working knowledge of the principles of the profession, art, or science involved.

The annual rates of compensation for this grade shall be \$2,300, \$2,450, \$2,600, \$2,760, and \$2,930.

Grade 8

Grade 8 in this service shall include all classes of positions the duties of which are to perform, under general supervision or direction, and with considerable latitude for the exercise of independent judgment within a limited field, very difficult and responsible subordinate work of a professional, scientific or technical character, requiring extended subprofessional training or experience, and thorough working knowledge of the principles of the profession, art, or science involved.

The annual rates of compensation for this grade shall be \$2,600, \$2,760, \$2,930, \$3,110, and \$3,300.

CLERICAL, ADMINISTRATIVE, AND FISCAL SERVICE

The clerical, administrative, and fiscal service shall include all classes of positions the duties of which are to perform clerical, administrative, or accounting work, or any other work commonly associated with office, business, or fiscal administration.

Grade 1

Grade 1 in this service shall include all classes of positions the duties of which are to perform, under immediate supervision and with little or no latitude for the exercise of independent judgment, the simplest routine office work.

The annual rates of compensation for this grade shall be \$1,260, \$1,350, \$1,440, \$1,530, and \$1,620.

Grade 2

Grade 2 in this service shall include all classes of positions the duties of which are to perform under immediate supervision and with limited latitude for the exercise of independent judgment, routine office work requiring limited training or experience.

The annual rates of compensation for this grade shall be \$1,440, \$1,530, \$1,620, \$1,720, and \$1,820.

Grade 3

Grade 3 in this service shall include all classes of positions the duties of which are to perform, under immediate or general supervision and with some latitude for the exercise of independent judgment, somewhat difficult and responsible office work requiring some training or experience and a working knowledge of a special subject matter and of office procedure and practice.

The annual rates of compensation for this grade shall be \$1,620, \$1,720, \$1,820, \$1,930, and \$2,050.

Grade 4

Grade 4 in this service shall include all classes of positions the duties of which are to perform, under immediate or general supervision, and with some latitude for the exercise of independent judgment, moderately difficult, important, and responsible office work requiring moderate training and experience and good knowledge of a special subject matter and of office procedure and practice.

The annual rates of compensation for this grade shall be \$1,820, \$1,930, \$2,050, \$2,170, and \$2,300.

Grade 5

Grade 5 in this service shall include all classes of positions the duties of which are to perform, under general supervision, and with substantial latitude for the exercise of independent judgment, difficult, important, and responsible office work requiring considerable training and experience, a broad knowledge of a special subject matter, and a thorough knowledge of office procedure and practice.

The annual rates of compensation for this grade shall be \$2,050, \$2,170, \$2,300, \$2,450, and \$2,600.

Grade 6

Grade 6 in this service shall include all classes of positions the duties of which are to perform, under general supervision, and with considerable latitude for the exercise of independent judgment, difficult, important, and responsible office work along specialized or administrative lines, requiring considerable training and experience and a good knowledge of a specialized subject matter or of administrative work.

The annual rates of compensation for this grade shall be \$2,300, \$2,450, \$2,600, \$2,760, and \$2,930.

Grade 7

Grade 7 in this service shall include all classes of positions the duties of which are to perform, under general supervision, with considerable latitude for the exercise of independent judgment, office work of considerable difficulty, importance, and responsibility, along specialized or administrative lines, requiring considerable specialized or supervisory training and experience, and a thorough knowledge of a specialized subject matter or of administrative work.

The annual rates of compensation for this grade shall be \$2,600, \$2,760, \$2,930, \$3,110, and \$3,300.

Grade 8

Grade 8 in this service shall include all classes of positions the duties of which are to perform under general supervision, and with considerable latitude for the exercise of independent judgment, very difficult, important, and responsible office work along specialized or administrative lines, requiring considerable specialized or supervisory training and experience, and a thorough knowledge of a specialized subject matter or of administrative work.

The annual rates of compensation for this grade shall be \$2,930, \$3,110, \$3,300, \$3,500, and \$3,700.

Grade 9

Grade 9 in this service shall include all classes of positions the duties of which are to perform, under general supervision, with wide latitude for the exercise of independent judgment, very difficult, important, and responsible office work along specialized or administrative lines, requiring considerable training and experience which has demonstrated capacity for sound independent work and an intimate knowledge of a specialized subject matter or of administrative work.

The annual rates of compensation for this grade shall be \$3,300, \$3,500, \$3,700, \$3,900, and \$4,100.

Grade 10

Grade 10 in this service shall include all classes of positions the duties of which are to perform, under general supervision, and with wide latitude for the exercise of independent judgment, highly difficult, important, and responsible office work along specialized or administrative lines, requiring somewhat extended training and experience which has demonstrated capacity for sound independent work

and an intimate grasp of a specialized subject matter or of administrative work.

The annual rates of compensation for this grade shall be \$3,700, \$3,900, \$4,100, \$4,320, and \$4,540.

Grade 11

Grade 11 in this service shall include all classes of positions the duties of which are to perform, under general administrative supervision, and with wide latitude for the exercise of independent judgment, office work of marked difficulty, importance, and responsibility along specialized or administrative lines, requiring somewhat extended training and experience which has demonstrated important attainments and marked capacity for sound independent action or decision and an intimate grasp of a specialized subject matter or administrative work of marked difficulty.

The annual rates of compensation for this grade shall be \$4,100, \$4,320, \$4,540, \$4,770, and \$5,000.

Grade 12

Grade 12 in this service shall include all classes of positions the duties of which are to perform, under general administrative supervision, and with wide latitude for the exercise of independent judgment, office work of unusual difficulty, importance, and responsibility along specialized or administrative lines, requiring extended training and experience which has demonstrated leadership and attainments of a high order in specialized or administrative work.

The annual rates of compensation for this grade shall be \$5,000, \$5,250, \$5,500, \$5,750, and \$6,000.

Grade 13

Grade 13 in this service shall include all classes of positions the duties of which are to perform, under administrative direction, and with wide latitude for the exercise of independent judgment, office work of exceptional difficulty, importance, and responsibility along specialized or administrative lines requiring extended training and experience which has demonstrated leadership and marked attainments in specialized or administrative work; or in case professional or scientific training is not required, to serve as the assistant head of a major bureau or commensurate organization; or to serve as consulting specialist and to furnish for final executive action expert critical advice on specialized, administrative, or fiscal problems or policies, of exceptional importance.

The annual rates of compensation for this grade shall be \$6,000, \$6,300, \$6,600, \$6,900, and \$7,000.

Grade 14

Grade 14 in this service shall include all classes of positions the duties of which are to perform, under general administrative direction, and with wide latitude for the exercise of independent judgment, office work of outstanding difficulty, importance, and responsibility along specialized or administrative lines, requiring extended training and experience which has demonstrated leadership and exceptional attainments in specialized or administrative work; or, in case professional or scientific training is not required, to serve as the head of a bureau which, considering its size, the kind, vari-

ety, and degree of importance of the work with which it is charged and the scope and complexity of its problems of administration, is one of the major bureaus of the Government; or to serve as the head of a commensurate organization; or to serve as the assistant head of one of the outstanding bureaus or commensurate organizations; or to serve as consultant to a department head or a commission or board and to furnish for final executive action expert critical advice on specialized, administrative, or fiscal matters of outstanding difficulty and importance.

The annual rates of compensation for this grade shall be \$7,500, \$8,000, and \$8,500.

Grade 15

Grade 15 in this service shall include all classes of positions the duties of which are to serve, in case professional or scientific training is not required, as the head of a bureau which, considering its size, the kind, variety, and degree of importance of the work with which it is charged, and the scope and complexity of its problems of administration, is one of the outstanding bureaus of the Government; or to serve as head of a commensurate organization; or to perform work of equal difficulty, importance and responsibility.

The annual rate of compensation for this grade shall be \$9,500.

CRAFTS AND CUSTODIAL SERVICE

The crafts and custodial service shall include all classes of positions the duties of which are to perform or supervise custodial, domestic, manual, mechanical, or police or fire-protection work involved in the custody, maintenance, and protection of public buildings, premises, equipment, and other government property; the construction of public buildings or works; the manufacture and handling of supplies and equipment; the operation of mechanical equipment; the transportation of public officers, employees, and property; the transmission of official papers; the caring for the domestic needs of persons in the employ, care, or custody of the Government; the guarding of persons in the custody of the Government; the preservation of law and order and the protection of life and property; or to perform or supervise other work of similar character.

Grade 1

Grade 1 in this service shall include all classes of positions the duties of which are, under immediate supervision, to serve as messenger boy or messenger girl; or to perform other work not requiring mature physical strength or judgment and involving little responsibility except that of carrying out specific instructions.

The annual rates of compensation for this grade shall be \$660, \$720, \$780, \$840, and \$900.

Grade 2

Grade 2 in this service shall include all classes of positions the duties of which are, under immediate supervision, to perform manual labor ordinarily required of unskilled laborers, requiring physical strength and endurance but little or no training or experience; or to perform simple routine work requiring little or no skill and involving little responsibility except that of carrying out specific instructions.

The annual rates of compensation for this grade shall be \$1,080, \$1,140, \$1,200, \$1,290, and \$1,380; provided, that charwomen working part time be paid at the rate of 50 cents an hour and head charwomen at the rate of 55 cents an hour.

Grade 3

Grade 3 in this service shall include all classes of positions the duties of which are, under immediate supervision, to perform manual labor ordinarily required of skilled laborers, requiring some skill and training or experience; or to perform routine work involving some degree of responsibility and requiring either training or experience to a limited extent or some degree of skill, or both.

The annual rates of compensation for this grade shall be \$1,200, \$1,260, \$1,320, \$1,410, and \$1,500.

Grade 4

Grade 4 in this service shall include all classes of positions the duties of which are to perform, under immediate or general supervision, and with limited latitude for the exercise of independent judgment, somewhat difficult and responsible work requiring moderate crafts or custodial training and experience, and a moderate degree of skill or the ability to supervise manual or custodial work of limited scope.

The annual rates of compensation for this grade shall be \$1,320, \$1,410, \$1,500, \$1,590, and \$1,680.

Grade 5

Grade 5 of this service shall include all classes of positions the duties of which are to perform, under general supervision, and with moderate latitude for the exercise of independent judgment, moderately difficult, important, and responsible work requiring considerable crafts or custodial training and experience, and a substantial degree of somewhat specialized skill or the ability to direct and supervise manual or custodial operations.

The annual rates of compensation for this grade shall be \$1,500, \$1,590, \$1,680, \$1,770, and \$1,860.

Grade 6

Grade 6 of this service shall include all classes of positions the duties of which are to perform, under general supervision, and with substantial latitude for the exercise of independent judgment, difficult, important, and responsible work requiring considerable crafts or custodial training and experience, a good knowledge of a special branch of crafts or custodial work, and a considerable degree of specialized skill or the ability to direct and supervise manual custodial operations of some complexity.

The annual rates of compensation for this grade shall be \$1,680, \$1,770, \$1,860, \$1,950, and \$2,050.

Grade 7

Grade 7 in this service shall include all classes of positions the duties of which are to perform, under general supervision, and with considerable latitude for the exercise of independent judgment, work of considerable difficulty, importance, and responsibility re-

quiring thorough specialized crafts or custodial training and experience, a thorough knowledge of a special branch of crafts or custodial work, and a high degree of specialized skill or the ability to direct and supervise manual, mechanical or custodial operations of complexity.

The annual rates of compensation for this grade shall be \$1,860, \$1,950, \$2,050, \$2,170, and \$2,300.

Grade 8

Grade 8 in this service shall include all classes of positions the duties of which are to perform, under general supervision, and with considerable latitude for the exercise of independent judgment, very difficult, important, and responsible crafts or custodial work along specialized or supervisory lines, requiring thorough specialized training and experience, a thorough knowledge of a special branch of crafts or custodial work, and unusual specialized skill or the ability to lay out, direct, and supervise complex crafts or custodial operations.

The annual rates of compensation for this grade shall be \$2,050, \$2,170, \$2,300, \$2,450, and \$2,600.

Grade 9

Grade 9 in this service shall include all classes of positions the duties of which are to perform, under general supervision, with wide latitude for the exercise of independent judgment, highly difficult, important, and responsible crafts and custodial work along specialized or supervisory lines, requiring thorough specialized training and experience, an intimate knowledge of a special branch of crafts or custodial work, and exceptional specialized skill or the ability to lay out, direct, and supervise complex crafts or custodial operations.

The annual rates of compensation for this grade shall be \$2,300, \$2,450, \$2,600, \$2,760, and \$2,930.

Grade 10

Grade 10 in this service shall include all classes of positions the duties of which are to perform, under general supervision, with wide latitude for the exercise of independent judgment, highly difficult, important, and responsible crafts or custodial work along specialized or supervisory lines, requiring somewhat extended training and experience which has demonstrated capacity for sound independent action or decision and an intimate grasp of a special and highly difficult or intricate branch of crafts or custodial work.

The annual rates of compensation for this grade shall be \$2,600, \$2,760, \$2,930, \$3,110, and \$3,300.

Grade 11

Grade 11 in this service shall include all classes of positions the duties of which are to perform, under general direction, with wide latitude for the exercise of independent judgment, highly difficult crafts or custodial work of marked importance and responsibility along highly technical lines requiring somewhat extended training and experience which has demonstrated marked capacity for sound independent action or decision and an intimate grasp of a special and highly difficult or intricate branch of crafts or custodial work.

The annual rates of compensation for this grade shall be \$2,930, \$3,110, \$3,300, \$3,500, and \$3,700.

Grade 12

Grade 12 in this service shall include all classes of positions the duties of which are to perform, under general direction, with wide latitude for the exercise of independent judgment, highly difficult crafts or custodial work of unusual importance and responsibility along highly technical lines, requiring extended training and experience which has demonstrated an intimate grasp of a special and highly difficult or intricate branch of crafts or custodial work, and leadership and attainments of a high order in the planning, direction, and control of large and complex crafts of custodial operations.

The annual rates of compensation for this grade shall be \$3,300, \$3,500, \$3,700, \$3,900, and \$4,100.

Grade 13

Grade 13 in this service shall include all classes of positions the duties of which are to perform, under general direction, with wide latitude for the exercise of independent judgment, crafts or custodial work of exceptional difficulty, importance and responsibility along highly technical lines, requiring extended training and experience which has demonstrated an intimate grasp of a special and unusually difficult or intricate branch of crafts or custodial work, and leadership and marked attainments in the planning, direction, and control of large and complex crafts or custodial operations.

The annual rates of compensation for this grade shall be \$3,700, \$3,900, \$4,100, \$4,320, and \$4,540.

Grade 14

Grade 14 in this service shall include all classes of positions the duties of which are to perform, under general direction, with wide latitude for the exercise of independent judgment, crafts or custodial work of outstanding difficulty, importance, and responsibility along highly technical lines, requiring extended training and experience which has demonstrated an intimate grasp of a special and exceptionally difficult or intricate branch of crafts or custodial work, and leadership and outstanding attainments in the planning, direction, and control of large and complex crafts or custodial operations.

The annual rates of compensation for this grade shall be \$4,100, \$4,320, \$4,540, \$4,770, and \$5,000.

Grade 15

Grade 15 in this service shall include all classes of positions the duties of which are to perform, under general direction, with wide latitude for the exercise of independent judgment, the most difficult, important, and responsible crafts or custodial work along highly technical lines, requiring extended training and experience which has demonstrated an intimate grasp of a special branch of crafts or custodial work of outstanding difficulty and intricacy, and leadership and outstanding attainments in the planning, direction, and control of crafts or custodial operations of great complexity and scope.

The annual rates of compensation for this grade shall be \$5,000, \$5,250, \$5,500, \$5,750, and \$6,000.

INSPECTIONAL AND INVESTIGATIONAL SERVICE

The inspectional and investigational service shall include all classes of positions the duties of which are to investigate and report upon violations of the laws of the Territory or to inspect or examine persons, things, or records for the purpose of preventing such violations; or to observe, analyze, and report on commodities, machinery, materials, appliances, or equipment or on engineering or construction work or on manufacturing, operating, or marketing practices and processes or on conditions and services, for the purpose of determining or insuring compliance with contracts, specifications, laws, or regulations, or with fixed standards governing sanitation, safety, efficiency, or quality; or to perform, supervise, or administer inspectional and investigational work. This service shall not include classes of positions the principal qualification requirements of which cause them to fall in one of the other services contained in these compensation schedules.

Grade 1

Grade 1 in this service shall include all classes of positions the duties of which are to perform, under immediate or general supervision, and with limited latitude for the exercise of independent judgment, inspectional or investigational work which, in comparison with all other grades of work in this service, is simpler, more routine, and of minor responsibility, but which requires some training and experience and a working knowledge of a special subject matter or procedure.

The annual rates of compensation for this grade shall be \$1,620, \$1,720, \$1,820, \$1,930, and \$2,050.

Grade 2

Grade 2 in this service shall include all classes of positions the duties of which are to perform, under immediate or general supervision, and with some latitude for the exercise of independent judgment as to the details of the work, inspectional or investigational work which, in comparison with all other grades of work in this service, is limited in responsibility and difficulty, and which requires moderate training and experience and a good knowledge of a special subject matter and of inspectional or investigational procedure and practice.

The annual rates of compensation for this grade shall be \$1,820, \$1,930, \$2,050, \$2,170, and \$2,300.

Grade 3

Grade 3 in this service shall include all classes of positions the duties of which are to perform, under general supervision, and with latitude for the exercise of independent judgment as to the details of the work, inspectional or investigational work which, in comparison with all other grades of work in this service, is moderately difficult, important, and responsible, and which requires considerable training and experience and a broad knowledge of a special subject matter and of inspectional or investigational procedure and practice.

The annual rates of compensation for this grade shall be \$2,050, \$2,170, \$2,300, \$2,450, and \$2,600.

Grade 4

Grade 4 in this service shall include all classes of positions the duties of which are to perform, under general supervision, and with considerable latitude for the exercise of independent judgment, inspectional or investigational work which, in comparison with all other grades of work in this service, is important, difficult, and responsible, and which requires considerable training and experience, a good knowledge of a specialized and complex subject matter and a thorough knowledge of inspectional or investigational procedure and practice.

The annual rates of compensation for this grade shall be \$2,300, \$2,450, \$2,600, \$2,760, and \$2,930.

Grade 5

Grade 5 in this service shall include all classes of positions the duties of which are to perform, under general supervision, and with considerable latitude for the exercise of independent judgment, inspectional or investigational work which, in comparison with all other grades of work in this service, is of considerable importance, difficulty, and responsibility, and which requires considerable specialized training and experience and a thorough knowledge of a specialized and complex subject matter and of inspectional or investigational procedure and practice.

The annual rates of compensation for this grade shall be \$2,600, \$2,760, \$2,930, \$3,110, and \$3,300.

Grade 6

Grade 6 in this service shall include all classes of positions the duties of which are to perform, under general supervision, and with considerable latitude for the exercise of independent judgment, inspectional or investigational work which, in comparison with all other grades of work in this service, is very difficult, important, and responsible, and which requires considerable specialized training and a comprehensive knowledge of a specialized and complex subject matter and of inspectional or investigational procedure and practice.

The annual rates of compensation for this grade shall be \$2,930, \$3,110, \$3,300, \$3,500, and \$3,700.

Grade 7

Grade 7 in this service shall include all classes of positions the duties of which are to perform, under general supervision, and with wide latitude for the exercise of independent judgment, inspectional or investigational work which, in comparison with all other grades of work in this service, is very difficult, important, and responsible, and which requires considerable specialized training or experience which has demonstrated a capacity for sound independent work and an intimate knowledge of a specialized and complex subject matter and of inspectional or investigational procedure and practice.

The annual rates of compensation for this grade shall be \$3,300, \$3,500, \$3,700, \$3,900, and \$4,100.

Grade 8

Grade 8 in this service shall include all classes of positions the duties of which are to perform, under general supervision, and with wide latitude for the exercise of independent judgment, inspectional or investigational work which, in comparison with all other grades of work in this service, is highly difficult, important, and responsible and which requires somewhat extended specialized training and experience, which has demonstrated capacity for sound independent work and an intimate grasp of a specialized and complex subject matter and of inspectional or investigational procedure and practice.

The annual rates of compensation for this grade shall be \$3,700, \$3,900, \$4,100, \$4,320, and \$4,540.

Grade 9

Grade 9 in this service, shall include all classes of positions the duties of which are to perform, under general administrative supervision and with wide latitude for the exercise of independent judgment, inspectional or investigation work which, in comparison with all other grades of work in this service, is of marked difficulty, importance and responsibility, and which requires somewhat extended specialized training and experience which has demonstrated important attainments, marked capacity for sound independent work, and an intimate grasp of a specialized and complex subject matter of marked difficulty and of inspectional or investigational procedure and practice.

The annual rates of compensation for this grade shall be \$4,100, \$4,320, \$4,540, \$4,770, and \$5,000.

Grade 10

Grade 10 in this service shall include all classes of positions the duties of which are to perform, under general administrative supervision, and with very wide latitude for the exercise of independent judgment, inspectional or investigational work which, in comparison with all other grades of work in this service, is of unusual difficulty, importance and responsibility, and which requires extended specialized training and experience which has demonstrated leadership, attainments of a high order, and an intimate knowledge of an unusually difficult, specialized, and complex subject matter and of inspectional or investigational procedure and practice.

The annual rates of compensation for this grade shall be \$5,000, \$5,250, \$5,500, \$5,750, and \$6,000.

Grade 11

Grade 11 in this service shall include all classes of positions the duties of which are to perform, under administrative direction, and with very wide latitude for the exercise of independent judgment, inspectional or investigational work which, in comparison with all other grades of work in this service, is exceptionally difficult, important, and responsible, and which requires extended specialized training and experience which has demonstrated leadership, marked attainments, and an intimate knowledge of an exceptionally difficult specialized and complex subject matter and of inspectional or investigational procedure and practice; or to serve as the assistant head of a major inspectional or investigative bureau or commensurate organization.

The annual rates of compensation for this grade shall be \$6,000, \$6,300, \$6,600, \$6,900, and \$7,200.

Grade 12

Grade 12 in this service shall include all classes of positions the duties of which are to perform, under general administrative direction, and with wide latitude for the exercise of independent judgment, inspectional or investigational work which, in comparison with all other grades of work in this service, is of outstanding difficulty, importance, and responsibility and which requires extended specialized training and experience which has demonstrated leadership, exceptional attainments, and an intimate knowledge of a specialized and complex subject matter of outstanding difficulty and of inspectional or investigational procedure and practice; or to serve as the head of an inspectional or investigative bureau which, considering its size, the kind, variety, and degree of importance of the work with which it is charged, and the scope and complexity of its problems of administration, is one of the major bureaus of the Government; or to serve as the head of a commensurate organization; or to serve as the assistant head of one of the outstanding bureaus or commensurate organizations.

The annual rates of compensation for this grade shall be \$7,500, \$8,000, and \$8,500.

Grade 13

Grade 13 in this service shall include all classes of positions the duties of which are to serve as the head of an inspectional or investigative bureau which, considering its size, the kind, variety, and degree of importance of the work with which it is charged, and the scope and complexity of its problems of administration, is one of the outstanding bureaus of the Government; or to serve as the head of a commensurate organization; or to perform work of equal difficulty, importance, and responsibility.

The annual rate of compensation for this grade shall be \$9,500.

"Sec. 3132.1. Temporary reductions of compensation necessitated by insufficient funds. In case the board of supervisors shall find during any year that the city and county has insufficient funds to pay the compensation rates provided for in section 3132, and those otherwise fixed pursuant to this subtitle, it may, by resolution, make a uniform percentage reduction in all compensation rates specified in section 3132 and in all other compensation rates fixed by the commission under this subtitle, and in all compensation rates for positions the compensation for which is payable out of city and county funds, including elective offices, and thereafter may similarly, from time to time, by resolution, further uniformly decrease, or uniformly increase, such rates by such percentage as it shall deem advisable, but no such increase shall cause such compensation rates to exceed those specified in section 3132. Any such reductions or increases shall apply to all positions which are subject to the classification provisions of this subtitle and to all others mentioned in this section."

(71) By adding thereto the following subtitle and sections:

"CITY PLANNING COMMISSION

"Sec. 3133. Commission; appointment; term of office. There is hereby established a city planning commission for the city and county of Honolulu consisting of nine members who shall be appointed by the mayor with the approval of the board of supervisors, who shall hold office for five years or until their successors are appointed and qualified; provided, however, that of the first members appointed hereunder, three shall be appointed for a term expiring January 1, 1942, three members for a term expiring January 1, 1943, and three members for a term expiring January 1, 1944. Any vacancy in the commission occurring otherwise than by expiration of a term of office shall be filled for the remainder of such unexpired term. There shall be no vocational or professional requirements for members of this commission, except that one member shall be a practicing architect, one a practicing civil engineer, and one a practicing realtor.

"Sec. 3133.1. Organization; employees; expenses. The mayor shall designate one of the members appointed by him as chairman of the commission. The commission shall elect a vice-chairman who shall act as chairman and perform all of the duties of the chairman in the absence of the chairman from any meeting. The commission shall appoint an executive secretary and such experts, assistants and clerks as may be necessary to perform the duties of the commission, and

for which appropriations have been made by the board of supervisors. Officers and employees of the several departments may be temporarily detailed by the mayor to assist the commission as required, and in such event shall serve without additional compensation, but no such officer or employee shall be deprived of his regular compensation because of such service with the commission. The commission may incur such other expenses as may be necessary and proper, and for which appropriations have been made by the board of supervisors. Disbursements therefor shall be made by warrants issued on vouchers signed by the chairman or acting chairman.

"Sec. 3133.2. Quorum; meetings; rules; office; publication of notices. Five members of the commission shall constitute a quorum for the transaction of business and for the exercise of the powers and authority conferred upon the commission. The commission shall hold at least one meeting in each month, and shall adopt rules for the transaction of business, and the executive secretary shall keep a record of its resolutions, findings, and determinations, which record shall be a public record. The office of the commission shall be in the Honolulu municipal building. The term 'published notice', wherever used in this subtitle means notice by publication in a daily newspaper of general circulation in the city and county for three consecutive days (either including or excluding Sundays), the first of such publications to be at least ten days prior to the date of the hearing so noticed.

"Sec. 3133.3. Master plan of the city. As soon as practicable, but not later than December 31, 1940, the commission shall prepare, and thereafter from time to time may modify, a master plan of the city of Honolulu, as defined in section 3001, and of such other areas of the city and county as may be made subject thereto pursuant to the procedure therefor provided in section 3133.4, which shall show desirable streets, roads, highways, and the grades thereof, bridges, parks, park ways, and other public ways, playgrounds, sites for public buildings and other structures, building zone districts, water-ways, routes of street railroads, omnibus and other public carriers (provided that such plan shall not affect heretofore legally authorized routes), locations of drainage systems, sewers, sewage treatment plants, incinerators, water conduits and other public utilities, privately or publicly owned, and such other features, changes and additions as will provide for the improvement of the city and its future growth and development, and afford adequate facilities for the housing, transportation, distribution, comfort, convenience, health, and welfare of its population. Before adopting the master plan or any part or modification thereof, the commission shall hold a public hearing or hearings, published notice of each of which (except an adjourned meeting) shall be given. The master plan and all modifications thereof shall be kept on file in the office of the commission.

"Sec. 3133.4. Projects and changes in and

extensions of the master plan. After the adoption of the master plan or any part thereof, no public improvement or project affecting the master plan shall be initiated unless it conforms to the master plan or is authorized as in this subtitle provided. Before taking action on any proposed addition to or change in the master plan not initiated by the commission, the board of supervisors shall by resolution refer such proposal to the commission, which shall, after a public hearing, published notice of which shall be given, report thereon within thirty days with respect to the relation of such proposed addition or change to the master plan. If the commission shall report that the proposed change or addition conforms to the master plan or shall recommend approval or modification thereof, it may be adopted in accordance with the recommendation of the commission by a majority vote of the board of supervisors. If the commission shall report that the proposed addition or change does not conform to the master plan and shall not recommend approval thereof, or shall recommend a modification thereof not accepted by the board of supervisors, or shall fail to make its report within said period of thirty days, the board of supervisors may nevertheless authorize such addition or change, but only by the affirmative vote of at least five of its members.

"An addition to or change in the master plan may be initiated by the commission by adopting a resolution for such purpose, after public hearing,

published notice of which shall be given. Such resolution shall be filed with the clerk of the city and county within five days from the date of its adoption. Unless the board of supervisors shall disapprove such resolution by the affirmative vote of at least five of its members within thirty days from the date of filing, or within said period the board shall by such vote modify such resolution, and the commission shall accept such modification, it shall thereupon take effect as an addition to or change in the master plan.

"The master plan may be extended to areas of the city and county outside the limits of the city, as defined in section 3001, and any such extension may be initiated by the commission or the board of supervisors in the same manner as provided herein for the initiation of any addition to or change in the master plan, but no such extension shall be made if a protest against the same shall have been presented to the commission within thirty days after the reference of such proposal to the commission, or of the filing of the resolution of the commission, duly signed and acknowledged by the owners of thirty per centum or more of the land included in the area subject to the proposed extension. In case any portion of the area of land to which it is proposed that the master plan be extended is held by any lessee under a recorded lease, the unexpired term of which is more than five years from the date of the resolution of the board of supervisors referring such proposed extension to the commission, or of the resolution of the commission initiating such proposed extension, no such portion of such area may be taken into considera-

tion for the purposes of this paragraph unless every such lessee shall also join with the owner of the reversion.

"Upon the authorization of any addition to, change in or extension of the master plan in accordance with the provisions of this section, the commission shall make such revision of the master plan as shall be necessary to conform thereto."

"Sec. 3133.5. Approval of subdivisions. After the date of the adoption of the master plan as provided in section 3133.3, no map of the subdivision of land within the limits of the city, as defined in section 3001, or within any other area of the city and county which shall have become subject to the master plan, shall be received for recordation or filing in the offices of the registrar of conveyances or the assistant registrar of the land court unless such map shall have been approved by authority of the commission. As used in this subtitle the word 'subdivision' means any plan for the division of a tract of land into smaller parcels in order to sell or lease any of such parcels for residence purposes. Any such map not acted upon within fifteen days from its submission shall be deemed to have been approved, and a certificate to that effect shall be issued by authority of the commission on demand, provided that the applicant for the commission's approval may waive this requirement and consent to the extension of such period. No map shall be disapproved unless the same fails to conform to the master plan or unless the plan of any subdivision shown on such map is contrary to the subdivision regulations adopted by the commission under section 3133.6. The grounds of the disapproval of any such map shall be stated in the minutes or

other records of the commission. If the commission shall disapprove any such map the applicant for such approval may present the same to the board of supervisors for approval within ten days after the disapproval thereof by the commission by filing such map in the office of the clerk of the city and county, and the board of supervisors may approve such map, but only by the affirmative vote of at least five of its members.

"Sec. 3133.6. Subdivision regulations. The commission shall adopt regulations for the coordination of streets within subdivisions with other existing or planned streets, or with other features of the master plan, for the adequate and convenient placing of open spaces for traffic, utilities, access for fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum width and area of lots, and for a proper distribution of population and traffic which will tend to create conditions favorable to public health, safety and morals. All such regulations shall be published as provided by law for the publication of ordinances.

"Sec. 3133.7. Issuance of building permits for, and erection of buildings on unaccepted streets. No building permit shall be issued for any building to be erected on any lot within the area covered by the master plan unless the street giving access to the lot shall have been accepted or opened as, or shall have otherwise received the legal status of, a public street, or unless such street corresponds in its

location and lines with a street shown on a subdivision map approved, or street plan adopted by, the commission, or with a street located or accepted by the board of supervisors after submission to and approval by the commission, or in case of the commission's disapproval, located or accepted by the affirmative vote of not less than five members of the board of supervisors; provided, that as a condition precedent to the issuing of any building permit for, or to the erection of, any building on an unaccepted street, such street shall have been, or satisfactory bond, with the amount and the surety approved by the chief engineer, shall be given that such street will within a reasonable time be, suitably improved to the satisfaction of the chief engineer in accordance with specifications approved by him substantially the same as those used by the city and county or required of other persons for comparable streets. No building shall be erected in violation of this section, and the city and county attorney may, in the name of the city and county, bring appropriate action to enjoin the erection or maintenance of such building.

"Sec. 3133.8. Prohibited sale of lots in unapproved subdivisions. No owner or agent of the owner of any land located within any area covered by the master plan shall sell or transfer such land or any portion thereof or interest therein by reference to or exhibition of a map or plan of a subdivision of such land unless such map has been approved by the commission and recorded in the office of the registrar of conveyances, or of the assistant registrar of the land court in case of registered land, and

the office of the territorial surveyor. Any person violating this section shall forfeit and pay to the city and county a penalty of not less than one hundred nor more than five hundred dollars for each lot or any other interest in each lot so sold or transferred. The city and county attorney, in the name of the city and county, may bring suit to enjoin any proposed sale or transfer in violation of this section, or to recover said penalty.

"Sec. 3133.9. Permits for street railway and bus lines. The public utilities commission of the Territory shall not grant permission to any person to construct, operate or maintain any street railway or bus or other motor vehicle common carrier line on any street within any area covered by the master plan unless the location and extent thereof shall first have been submitted to and approved by the city planning commission; provided, that in case of disapproval, the commission shall communicate its reasons to the board of supervisors, which by a vote of not less than five members may overrule such disapproval, in which event the public utilities commission shall have power to issue such permit.

Sec. 3134. Zoning regulations. Any existing ordinance of the city and county to regulate and limit the height and bulk of buildings, to regulate and determine the area of yards, courts and other open spaces or to regulate and restrict the locations of trades and industries and the location of buildings designed for specific uses or creating districts for any such purpose, may be amended or repealed, and any new ordinance to regulate or determine any of said

subjects or matters shall be enacted only in either of the two following modes, subject to the last proviso of this section:

"(1) The commission may upon its own initiative at any time, or upon application as provided in section 3134.1, adopt a resolution for any such purpose, subject to any limits provided by statute, after public hearing, published notice of which shall be given. Such resolution shall be filed with the clerk of the city and county within five days from the date of its adoption. Unless the board of supervisors shall disapprove such resolution by a vote of at least five of its members within thirty days from the date of filing, or if within said period the board shall by such vote modify such resolution, and the commission shall accept such modification, it shall thereupon have the effect of an ordinance of the city and county, except as hereinafter in this section provided in the case of protest by property owners; or

"(2) The board of supervisors may upon its own initiative at any time, by the affirmative vote of at least five members of said board, adopt an ordinance for any such purpose subject to any limits provided by statute; such ordinance shall thereupon be submitted to the commission, which shall thereupon proceed to act upon the same in the same manner as to published notice and hearing as upon an application made pursuant to section 3134.1, and such ordinance shall not become effective unless approved by the commission after such published notice and hearing, a certificate of which approval shall be

filed in the office of the city and county clerk within five days after such approval;

"Provided, that in case a protest against any such proposed resolution of the commission or ordinance of the board of supervisors shall have been presented to the commission within thirty days after the filing of such resolution, or of the certificate of approval of the commission in the case of an ordinance initiated by the board of supervisors, duly signed and acknowledged by the owners of thirty per centum or more of the area of the land included in such proposed change or in such new ordinance, or by the owners of thirty per centum or more of the area of land immediately adjacent, extending one hundred feet therefrom, or by the owners of thirty per centum or more of the area of land directly opposite thereto, extending one hundred feet from the street frontage of such opposite land, such resolution shall not be effective unless approved by the board of supervisors by unanimous vote of all members present. In case any portion of the area of land mentioned in this paragraph is held by any lessee under a recorded lease, the unexpired term of which is more than five years from the date of filing of such resolution, or of such certificate of approval of the commission, no such portion of such area may be taken into consideration for the purposes of this paragraph unless every such lessee shall also join with the owner of the reversion.

"Sec. 3134.1. Applications for changes in ordinances and for new ordinances. Any application

for a change in any ordinance, or for any new ordinance, referred to in the preceding section, may be filed with the commission by the owner or lessee holding under a recorded lease of any real estate affected by any such ordinance or resolution, or to be affected by the proposed changes, upon depositing with the commission the sum of one hundred dollars to cover the cost of publication of notice of public hearing; provided, however, that no such application shall be considered by the commission unless seventy-five per centum of the persons being the owners or lessees holding under recorded leases (the unexpired term of which is more than five years from the date of filing such application) of real estate situated within a distance of seven hundred fifty feet from the nearest point of the real estate owned or held by the applicant, shall join in such application. The commission shall consider and act upon such applications, and shall hold public hearings thereon, notice of which shall be given in the same manner as provided in the preceding section."

SECTION 5. Chapter 92 of said Revised Laws is hereby further amended in the following respects:

(1) By amending section 3180 thereof to read as follows:

"Sec. 3180. Method. Whenever in the opinion of the board of supervisors of the city and county it is desirable to establish, open, extend, widen or alter any street, alley or other highway, including

sidewalks, in the district of Honolulu, except Moanalua, or to grade, pave, curb, or macadamize or otherwise improve the whole or any part of any existing public street, alley or other highway or sidewalks in the district of Honolulu, except Moanalua, including the construction of a storm drainage system, or otherwise improve the same to an extent exceeding maintenance and repair thereof, or to construct or improve a storm drainage system independently, such betterments or improvements shall be made and done under the provisions of this chapter; and the cost thereof, including the cost (if not assumed by the city and county under the discretionary power contained in section 3184) of acquiring, whether prior to or after the commencement of the proceedings for such betterments or improvements, any new land therefor, shall be assessed against the land specially benefited, either on a frontage basis or according to area of the land within an improvement district or on both an area and frontage basis; and the city and county may issue and sell bonds to provide the funds for such improvements, which bonds shall be secured by such assessments as a lien upon the lands assessed; and for such purpose the board is vested with power and is authorized to create, define and establish frontage improvements or improvement districts; all according to the provisions of this chapter."

(2) By inserting after the figures "3187" in the fourteenth line of section 3184 thereof, the following:
"or 3188."

(3) By adding thereto a new section, to be numbered section 3189 A, reading as follows:

"Sec. 3189 A. Compliance with provisions relating to city planning commission necessary. Notwithstanding any provision in this chapter to the contrary, the actual construction of any improvement under this chapter in any area then covered by the master plan shall not be commenced unless the improvement shall conform to, or shall not be inconsistent with, the master plan, and shall, if it is of such nature as comes within the purview of any of sections 3133.4, 3133.5 or 3133.6, have been duly authorized pursuant to the provisions of said sections."

SECTION 6. Chapter 93 of said Revised Laws is hereby further amended in the following respects:

(1) By adding, after the word "report" at the end of section 3225 thereof, the words "audited by the city and county auditor."

(2) By substituting for the words "to be fixed by it" in the second and third lines of section 3226 thereof the following: "fixed pursuant to the classification provisions of chapter 88".

(3) By amending section 3227 thereof to read as follows:

"Sec. 3227. Parks in charge of park board. All public parks and public recreation grounds in the city and county, owned by it or in its possession and control, other than the Makiki Valley Park or reservation, together with all equipment, supplies,

paraphernalia, and all real and personal property of whatsoever nature used in connection with the same, shall be under the control and management of the park board; provided, however, that all personal property in the possession and control of the recreation commission of the city and county shall remain in the possession and control of the commission. The park board shall determine the nature of all permanent improvements and in this regard shall determine the additional park property that may be acquired from time to time and the kind and nature of improvements to be constructed on the same. The park board shall also have full and complete authority over the trimming and removing of all shade trees, hedges and shrubs growing on the public streets of the district of Honolulu and the planting of the same upon such streets, and concurrently with the respective property owners shall have full and complete authority over the trimming and removing of all shade trees, hedges and shrubs growing over the public streets of such district. It shall furthermore cooperate with the recreation commission in all matters pertaining to the promotion of public recreation."

(4) By amending section 3228 thereof to read as follows:

"Sec. 3228. Purchases and sale of park property; contracts. The board of supervisors shall not purchase any real property for park purposes, nor sell, exchange or otherwise dispose of any park property, whether real or personal, without the prior

written approval of the park board. All proceeds of any such sale shall be deposited with the treasurer and all such proceeds from the sale of real property shall be expended only for the acquisition of other real property for park purposes, and all such proceeds from the sale of personal property shall be expended only for the acquisition of other personal property for park purposes.

"The park board shall have power to contract for work, and through the purchasing agent to purchase supplies, materials or equipment, the cost of all of which shall be met from the funds it may have on hand either by appropriation from the board of supervisors or otherwise. All contracts shall be executed in the name of the board and shall be signed by the chairman or acting chairman. The park board shall also have authority to contract for the importation of or to import for the purpose of keeping and to keep in captivity foreign birds for educational and scientific purposes, subject to the rules and regulations of the Board of Agriculture and Forestry relative to the importation and keeping in captivity of such birds."

(5) By amending section 3229 thereof to read as follows:

"Sec. 3229. Appointment of employees. The park board shall appoint such employees as it may deem necessary whose compensation shall be fixed pursuant to the classification provisions of chapter 88."

(6) By amending section 3230 thereof to read as follows:

"Sec. 3230. Gifts. The park board, for and in the name of the city and county, may receive gifts, bequests or devises of land, buildings, money and all kinds and varieties of personal property to carry out any of the purposes of this chapter and may expend and contract to expend the money thus received for the purposes for which the same is given or bequeathed."

(7) By repealing section 3231 thereof.

(8) By deleting from the first and second lines of section 3234 thereof the words "in its discretion".

(9) By repealing section 3235 thereof.

SECTION 7. Chapter 94 of said Revised Laws is hereby further amended in the following respects:

(1) By substituting for the words "by sections 3240 to 3253" in the last line of section 3240 thereof the words "in this chapter".

(2) By amending section 3241 thereof to read as follows:

"Sec. 3241. Police commission; appointment. A police commission is created to consist of five members, all of whom shall not belong to the same political party at the time of appointment. The members shall be appointed by the mayor with the approval of the board of supervisors. No member of the commission shall be a salaried officer or employee of the Territory or any political subdivision

thereof. Each commissioner must be at the time of his appointment an elector of the city and county and must have been such for at least three years next preceding his appointment. Any commissioner may be removed from office by the mayor with the concurrence of the vote of five members of the board of supervisors. The commissioners shall serve without remuneration, but may be reimbursed for their reasonable traveling and other expenses incurred in the discharge of their duties. The commission may employ such clerks, employees and other assistants, at such salaries, as it may find necessary."

(3) By amending section 3242 thereof to read as follows:

"Sec. 3242. Term of office. The commissioners shall be appointed for staggered terms of five years from the expiration of their respective predecessor's terms. Any vacancy in the commission occurring otherwise than by expiration of a term of office shall be filled for the remainder of such unexpired term."

(4) By deleting from section 3245 thereof the last sentence.

(5) By amending section 3246 thereof to read as follows:

"Sec. 3246. Police force, employees. The chief of police shall have the power to appoint police officers and other officers and employees under such rules and regulations and at such salaries as may be

authorized by law, but the commission may abolish any office or position in the department and revoke the commission therefor, in which event, when necessary, the commission shall determine which of several officers or employees in the same class shall be released; provided, that country police shall receive the same allowances as urban police of the same class. Such rules and regulations shall provide that appointments may be made in the first instance for a probationary period of not over one year. The chief of police, with the approval of the commission, may appoint and remove without cause instructors of the police who need not have any residential qualifications. Except as otherwise provided, all acts or duties which may be performed by the chief of police may in like manner and with like effect be performed by any police officer under him."

(6) By deleting, at the end of the second paragraph of section 3247 thereof, the words and figures "and chapter 83, part 1".

(7) By repealing section 3251 thereof.

SECTION 8. Chapter 95 of said Revised Laws is hereby further amended in the following respects:

(1) By amending section 3262 thereof to read as follows:

"Sec. 3262. Appointment. The appointive members of the board shall be appointed by the mayor, with the approval of the board of supervisors, for staggered terms of five years from the expiration of their respective predecessor's term. Officers and em-

ployees of the Territory or of the city and county shall not be eligible for appointive membership. Any vacancy in the appointive membership, otherwise than by expiration of a term of office, shall be filled by appointment for the remainder of such unexpired term. Each member must be, at the time of his appointment, an elector of the city and county and must have been such for at least five years next preceding his appointment.

"The mayor, with the approval of the board of supervisors, shall designate a member as chairman of the board.

"The members of the board shall serve without pay, and may be removed from office in the manner provided by section 3065."

(2) By amending paragraphs numbered 2 and 3 of section 3264 thereof to read as follows:

"2. The manager shall, subject to the control of the board and the career service provisions of chapter 88, have power to appoint and discharge such other employees, subordinates and assistants as may be necessary for the proper conduct of the business of the board.

"3. The salaries, wages or other compensation of all persons, including the manager, employed by the board, or engaged in work under its direction, shall be fixed pursuant to the classification provisions of chapter 88."

(3) By deleting paragraph numbered 5 of said section 3264.

(4) By amending the second paragraph of section 3265 thereof to read as follows:

"He shall appoint and detail to the board such attorneys as the board may deem necessary to conduct its legal work, and the compensation, or such proportion thereof as shall be agreed upon between the board and the board of supervisors, of such attorneys so detailed shall be paid from the revenues of the water works. Such attorneys shall be deputies of the city and county attorney, and may be in addition to the deputies and assistants allowed him by law."

(5) By amending section 3266 thereof to read as follows:

"Sec. 3266. Outstanding obligations. All outstanding obligations in connection with the operation of the water system shall be paid by the board out of water works funds."

(6) By amending section 3267 thereof to read as follows:

"Sec. 3267. Purchase and sale of water works property; contracts. The board shall have power to contract for work, and through the purchasing agent to purchase supplies, materials or equipment, when the cost of the same can be met from the revenues or reserves of the water works, or from the proceeds of bonds authorized for the water works. All contracts

shall be executed in the name of the board and shall be signed by the chairman or acting chairman of the board.

"The board of supervisors shall not purchase any real or personal property for the purposes of the board nor sell, exchange or otherwise dispose of any property under the management of the board, without the prior written approval of the board. All proceeds of any such sale shall be deposited with the treasurer and be by him placed to the credit of the board."

(7) By substituting for the word "financial" in the second line of section 3270 thereof the word "financing".

(8) By deleting from section 3275 thereof the last sentence and provisos therein contained and substituting therefor the following:

"There shall be no free water except as authorized by the legislature, provided that the city and county shall not be required to pay any amount to the board for water or water service furnished for the purpose of fire protection prior to July 1, 1939. Thereafter the city and county shall pay monthly to, upon statements rendered by, the board the sum of \$_____ for each and every fire hydrant maintained at any time during said month by the board in the city and county. Said payments shall be made within ten days of the receipt of such statements."

(9) By substituting for the word "governor", wherever the same appears in section 3289 thereof, the word "mayor".

SECTION 9. Chapter 103 of said Revised Laws is hereby further amended by amending section 3634 thereof to read as follows:

"Sec. 3634. Probation officers; appointment and salaries. Besides the power to appoint court officers incident to his duties as a circuit judge, the judge of the division of domestic relations shall appoint, subject to the career service provisions of chapter 88, six probation officers, as follows: One chief probation officer; four assistant probation officers, at least two of whom shall be women; one recorder and typist at the salaries, to be paid by the city and county, prescribed by section 3940 until such salaries shall be otherwise fixed pursuant to the classification provisions of chapter 88.

"Within the scope of their duties each of the probation officers shall have the powers and privileges of a police officer."

SECTION 10. Chapter 105 of said Revised Laws is hereby further amended in the following respects:

(1) By amending the last paragraph of section 3690 thereof to read as follows:

"There shall be as many clerks of the circuit courts as may be necessary, appointed and removable, subject to the career service provisions of chapter 88 in the case of clerks of the first circuit court, by the judge or judges thereof, as the case may be."

(2) By adding at the end of section 3697 thereof the following:

"All such appointments and removals in the first circuit court shall be subject to the career service provisions of chapter 88."

(3) By inserting, after the word "removal" in the third line of section 3698 thereof, a comma and the following:

"subject to the career service provisions of chapter 88,"

(4) By inserting, after the word "court" in the third line of section 3700 thereof, the following:

"subject to the classification provisions of chapter 88 in the case of reporters for the courts in the first circuit,"

(5) By inserting, at the beginning of section 3701 thereof, the words "Except in the first circuit,"

(6) By adding, at the end of said section 3701, the following:

"All such appointments to courts within the first circuit shall be subject to the career service provisions of chapter 88, but the qualifications for applicants for such appointments shall not be less than in this section above provided."

SECTION 11. Chapter 112 of said Revised Laws is hereby further amended by adding, at the end of the first paragraph of section 3940 thereof, the following:

"provided, that in the circuit and district courts within the first circuit, the appointment and removal,

and the salaries, of all regular officers and employees hereinafter mentioned, and of temporary appointees (other than per diem appointees whose per diem compensation is hereinafter specifically fixed) substituting for them, shall, notwithstanding any provisions of this section to the contrary, be subject to the career service and classification provisions of chapter 88, but the respective salaries hereinafter mentioned shall continue in effect until duly otherwise fixed pursuant to said provisions."

SECTION 12. Chapter 137 of said Revised Laws is hereby amended by adding, at the end of section 4746 thereof, the following:

"If the land is situated in the city of Honolulu, as defined in section 3001, or is within any other area of the city and county to which the master plan of said city has been extended, any plan for a subdivision thereof as defined in section 3133.5 shall, before approval by the court, be subject to approval by the city planning commission in like manner as subdivisions under said section 3133.5."

SECTION 13. Chapter 144 of said Revised Laws is hereby amended by deleting the period at the end of section 5044 thereof and inserting a comma in lieu thereof, and the words and figures: "and^{that}/the applicant has complied with section 3133.5."

SECTION 14. Chapter 145 of said Revised Laws is hereby further amended in the following respects:

(1) By inserting, at the end of the second paragraph

of section 5120 thereof, the following:

"If the land is situated in the city of Honolulu, as defined in section 3001, or is within any other area of the city and county to which the master plan of said city has been extended, any plan for the subdivision thereof as defined in section 3133.5 shall, before approval by the surveyor, be subject to approval by the city planning commission in like manner as subdivisions under said section 3133.5."

(2) By amending section 5127 thereof to read as follows:

"Sec. 5127. Report of violations. Whenever it shall come to the knowledge of the registrar that any of the provisions of sections 5126 or 3133.8 have been violated it shall be his duty to notify the attorney general and, if land within the city and county is involved, the city planning commission of the city and county of Honolulu, of the fact."

SECTION 15. Chapter 155 of said revised Laws is hereby amended by inserting, at the beginning of section 5354 thereof, the words "Except in the city and county of Honolulu,"

SECTION 16. Chapter 90 of said Revised Laws is hereby repealed.

SECTION 17. Saving clause. If any portion of this Act, or its application to any person or circumstances, shall be held unconstitutional or invalid, the remainder of this Act, and the application of such portion to other persons or circumstances, shall not be affected.

SECTION 18. Effective date. This Act shall
take effect

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Honolulu. Charter Revision Commission.

The legislation proposed to the 1939 session of the Legislature by the Charter Revision Commission of the City and County of Honolulu pursuant to Act 218, Session laws of Hawaii, 1937. Honolulu: Jan. 1939.

122 p.

1. Honolulu - Charters. 2. Honolulu - Politics and government.

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