

BY AUTHORITY

ACT 169

AN ACT

TO AMEND CHAPTER 49 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO HARBORS, BY AMENDING SECTIONS 683, 685, 687 AND 691, AND BY ADDING ONE NEW SECTION THERETO TO BE KNOWN AS SECTION 691A.

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

SECTION 1. Section 683 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 683. Board of harbor commissioners. Except as otherwise provided by law, all ocean shores below mean high water mark, shore waters and navigable streams, and all harbors and roadsteads, and all harbor and waterfront improvements, belonging to or controlled by the Territory of Hawaii, and all shipping within such harbors, roadsteads, waters and streams shall be under the care and control of a board of harbor commissioners. Said board shall consist of five members, one of whom shall be the superintendent of public works of the Territory who shall be chairman, ex officio, and four shall be appointed by the governor as provided in Section 80 of the Organic Act. Such commissioners shall be appointed for terms of four years or the unexpired periods thereof, in such manner that the terms of two commissioners shall expire every second year. Said terms shall begin on the first day of July. Provided, however, that upon the first appointments, two of said commissioners shall be appointed for terms ending June 30, 1913, and two for terms ending June 30, 1915."

SECTION 2. Section 685 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 685. Powers and duties of board. Except as otherwise provided by law, said board shall have and exercise all the powers and shall perform all the duties which may lawfully be exercised by or under the Territory of Hawaii relative to the control and management of the shores, shore waters, navigable streams, harbors, harbor and waterfront improvements, ports, docks, wharves, quays, bulkheads and landings belonging to or controlled by the Territory, and the shipping using the same, and shall have the authority to use and permit and regulate the use of the wharves, piers, bulkheads, quays and landings belonging to or controlled by the Territory for receiving or discharging passengers and for loading and landing merchandise, with a right to collect wharfage and demurrage thereon or therefor, and, subject to all applicable provisions of law, to fix and regulate from time to time rates for services rendered in mooring vessels, charges for the use of moorings belonging to or controlled by the Territory, rates or charges for the services of pilots, wharfage or demurrage, rents or charges for warehouses or warehouse space, for office or office space, for storage of freight, goods, wares and merchandise, for storage space, for the use of donkey engines, derricks or other equipment belonging to the Territory, under the control of the board, and to make other charges except toll or tonnage charges on freight passing over or across wharves, docks, quays, bulkheads or landings. The basis, or per square foot if the assessment is to be according to area within an improvement district, including the different proportions of cost to be assessed against the sub-districts or zones, if any, within such improvement district; all in such detail and form as will readily show the approximate share of the total cost that would be assessable against each parcel of land to be assessed, and the part or proportion, if any, proposed to be borne by the city and county as aforesaid.

When such data has been made and furnished and by like resolution, approved by the board, the board shall by advertisement for ten consecutive days, exclusive of Sundays and legal holidays, in some newspaper of general circulation printed and published, in Honolulu give notice to the owners, lessees and occupants of the land proposed to be assessed as well as of any new land proposed to be acquired, and to all persons interested generally, of the general character and extent of the improvements proposed, the part or proportion of cost, if any, proposed to be borne by the city and county as aforesaid, the materials proposed to be used, the proposed method of assessment, a particular description of the land to be acquired, if any, and of the frontage or improvement district to be assessed, the probable cost of such improvements, and the maximum share of each estimate of cost per front foot, if the assessment is to be made on a frontage basis, or per square foot, if the assessment is to be made according to the area of land within an improvement district, including the different proportions to be charged against the lands in the different sub-districts or zones, if any, within such improvement district; together also with notice that the map and general plans and other data so prepared by the engineer with respect to the proposed improvements may be seen and examined, by any person interested, at the office of the city and county engineer at any time during business hours prior to the date fixed for the hearing; and also fixing a date and place when a public hearing will be had respecting the proposed improvements and a full opportunity given to all persons interested to present suggestions or objections to the proposed improvements or any part or detail thereof, which date shall not be less than three weeks after the first publication of such notice."

SECTION 3. Section 1795 of said Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1795. Protest by owners. If the owners of fifty-five per cent. of the total frontage or area to be assessed for such improvements shall at the hearing or prior thereto file with the supervisors a written protest duly acknowledged by such owners against the making of such improvement or against any part of the plan therefor, the same shall not be made contrary to such protest. If the protest is against the making of any improvement, the same shall not be made, and the proceedings shall not be renewed within six months thereafter unless under the provisions of Section 1797 of this chapter."

SECTION 4. Section 1796 of said Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1796. Determination by supervisors. After the hearing provided in Section 1794 of this chapter, and if sufficient protests have not been filed, the board shall proceed to determine whether or not the proposed improvements shall be made as proposed, or made with modifications, and in the latter event modifications or changes reducing the frontage or area to be assessed or lessening the unit cost per front foot or square foot may be made without again giving notice of a hearing as provided in Section 1794, provided, such modifications or changes shall not materially alter the general character or plan so advertised. If, after such initial or further advertisement and hearing when no changes are made which will require further advertisement or hearing, the board shall have determined to proceed with the improvements, they shall, by resolution requiring not more than one reading for its adoption, create, define and establish the extent of the frontage or the improvement district to be assessed, as the case may be, and define the kind, extent and general details of the proposed improvements, describe each parcel of land to be acquired, if any, declare the part or proportion of the cost of the improvement which is to be borne by the city and county as aforesaid, the method of assessment, and the kind or kinds of materials to be used, and by such resolution further direct the city and county engineer to prepare a corrected map of the highway or highways to be improved showing the abutting lands, or of the improvement district showing the highways therein to be improved, as the case may be, and showing the exact location of the improvements, together with final details, plans and specifications for the work; all in such form as will readily permit and encourage genuine competition between contractors in so far as the materials specified will permit of such competition; and the same, when by resolution similarly approved and adopted by the board, shall be used as the basis for the calling of bids and awarding of a contract or contracts for the work as hereinafter provided.

In case such improvements so determined upon shall require the acquisition of any new land therefor, the board of supervisors shall acquire the same before proceeding with the proposed improvement, either by deed, or other voluntary conveyance from the owners thereof at a price or cost not to exceed the estimate of the value thereof which has been advertised as aforesaid, or they may, at their option, and in the name of the City and County of Honolulu cause condemnation proceedings to be brought to acquire the same in like manner as by law now or hereafter provided for like proceedings when brought by the superintendent of public works."

SECTION 5. Section 1797 of said Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1797. Petition by owners. If the owners of sixty per cent. of the frontage upon any street, alley or highway designated by them, or of sixty per cent. of the area of land designated by them as a proposed improvement district, shall file with the board of supervisors a petition duly acknowledged by such owners requesting the opening or improvement of any such street, alley or highway, or of the streets, alleys or highways in such proposed improvement district, together with the surveys, maps, plans and other preliminary data and estimates mentioned in Section 1794 in the case of a proceeding initiated by the board, the board shall thereupon proceed thereon in the same manner as though the plan for such improvements had been initiated on their own motion; and the cost of such preliminary surveys, maps and other data, if not in excess of the estimate therefor stated in such petition, shall be deemed part of the cost of the improvement. Provided, however, that upon such petition the board shall not have power to abandon such proceedings or make any change or modification of such plans or the details or specifications for the proposed improvements without the written and duly acknowledged consent of the owners of not less than sixty per cent. of the frontage or area of the land to be assessed; except that the board may decline to acquiesce in or may modify any part of such plan which contemplates the payment by the city and county of any part of the cost of acquiring new land or of any part of the cost of improving any main or general thoroughfare, and in such event, if the owners of sixty per cent. of the frontage or property to be assessed shall in writing acquiesce in any such change or modification, the board shall be bound to proceed with the plan as so modified."

SECTION 6. Section 1798 of said Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1798. Contract, bids, bond. All improvements made under the provisions of Sections 1793 to 1813, inclusive, of this chapter shall be constructed under contract let to the lowest responsible and reliable bidder therefor after public advertisement by the supervisors for not less than ten days in some newspaper of general circulation, published in said city and county; provided, however, that such advertisement shall not be required in cases where the only material specified is such as does not admit of competition; but if the improvements to be made require any particular street or streets or

part of any street to be paved with materials which will not admit of competition, the supervisors may nevertheless either advertise for bids and let the work as an entire contract, or, in their discretion, advertise for bids and make one or more contracts separately for the work upon the streets to be paved with materials which will admit of competition, and make a separate contract or contracts, without advertisement for bids, for the work (including foundation construction) upon streets to be paved with materials which will not admit of competition. No bid shall be considered unless accompanied by a certified check, or its equivalent, payable in and in favor of the city and county, for not less than ten per cent. of the amount bid; which check, or equivalent, shall be forfeited to the city and county unless the successful bidder shall sign the contract and furnish an approved bond within ten days after the contract is awarded. No bid in excess of the estimated cost shall be accepted by the supervisors without the written and acknowledged approval of the owners of at least sixty per cent. of the frontage or area to be assessed as the case may be; and the supervisors shall have the right to reject any and all bids and in such case to re-advertise for tenders if they deem it advisable to do so; provided, always, that if the owners of sixty per cent. of the frontage or area to be assessed shall in writing, duly acknowledged, in any case request a re-advertisement for bids, or the acceptance of any bid or bids covering the work, such request shall in each instance be binding upon the supervisors. But no contract shall be made until the assessment hereinafter provided shall have been finally made, nor without a bond to the city and county for the faithful performance of such contract in an amount not less than the contract price, with at least two sufficient sureties each of whom shall be worth not less than the full amount of the bond over and above all property exempt from execution, and who shall, upon the written demand of the supervisors or of any owner of property subject to assessment, be required to justify thereon on an examination under oath before a judge of the first circuit court. If upon such examination any surety shall be held insufficient, a new bond with sufficient sureties shall be filed by the successful bidder within five days thereafter, or the contract shall not be awarded and the deposit shall be forfeited. Upon the contract being signed and a sufficient bond furnished as aforesaid, the deposit made with the bid shall be returned to the contractor. Any other method of letting contracts shall be illegal and void."

SECTION 7. Section 1799 of said Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1799. Notice after improvement authorized. Before the letting of any contract as aforesaid, the supervisors shall cause a corrected map to be prepared by the city and county engineer similar to that required under Section 1794, showing in detail the proportionate amount per front foot if the assessment is to be made on such basis, or per square foot if the assessment is to be made according to area proposed to be assessed against the property in the benefited district or in the several sub-districts or zones thereof, if any, and a list of all known owners, lessees and occupants of the land fronting upon such highway or situate within the improvement district; and shall thereupon by advertisement in the same manner as that provided in said Section 1794, give notice of the total amount of the cost of the improvement based upon the bid of the lowest responsible and reliable bidder, the maximum share per front foot or per square foot, as the case may be, proposed board shall likewise have power to appoint and remove clerks, wharfingers and their assistants, pilots and pilot boat crews and all such other employees as may be necessary, and to fix their compensation; to make rules and regulations pursuant to this chapter and not inconsistent with law; and generally shall have all powers necessary fully to carry out the provisions of this chapter.

All moneys appropriated for harbor improvements, including new construction, reconstruction, repairs, salaries and operating expenses, shall be expended under the supervision and control of the board, subject to the provisions of this chapter and of chapter 100.

All contracts and agreements authorized by law to be entered into by the board shall be executed on its behalf by its chairman.

The board shall prepare and submit annually to the governor a report of its official acts during the preceding calendar year, together with its recommendations as to harbor improvements throughout the Territory."

SECTION 8. Section 687 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 687. Rules and regulations. The board may from time to time make, alter, amend and repeal such rules and regulations not inconsistent with law as it may deem necessary respecting the manner in which all vessels may enter and moor, anchor or dock in the shore waters, navigable streams, harbors, ports and roadsteads of the Territory, or move from one dock, wharf, bulkhead, quay, landing, anchorage or mooring to another within such waters, streams, harbors, ports or roadsteads; the examination, guidance and control of pilots and harbor masters and their assistants, and their conduct while on duty; the embarking or disembarking of passengers; the expeditions and careful handling of freight, goods, wares and merchandise of every kind which may be delivered for shipment or discharged on the wharves, docks, quays, bulkheads or landings belonging to or controlled by the Territory; and defining the duties and powers of carriers, shippers and consignees respecting passengers, freight, goods, wares and merchandise in and upon such wharf, landing, dock, quay or bulkhead. The board may also

HOTEL STEWART
SAN FRANCISCO
SERVICE, COMFORT, UNEQUALLED CUISINE, REASONABLE RATES, CLOSE TO THEATRE, CAFE AND FINE STORES.

"On the Beach At Waikiki"
YOU WILL FIND THAT
"Hustace Villa"
Has Accommodations for Ladies and Gentlemen. Phone 2828

Pleasanton Hotel
LUXURIOUS AND COMFORTABLE
STRICTLY FIRST CLASS
100 ROOMS FIFTY BATHS

HAUULA HOTEL
"A Home Away From Home"
An Ideal Vacation Spot
White Cooking
Phone 772 Hauula, Oahu
A. ZUMSTEIN, Prop.

A REAL CHANGE OF CLIMATE can be had at the new boarding house in
WAHIAWA
nearly 1000 feet elevation, near depot; grand scenery; fine bass fishing. For particulars address E. L. Kruss, Wahiawa. Phone 6393.

CORAL GARDEN HOTEL
See the Wonderful Marine Pictures in KANEHOE BAY—Glass-bottomed sail and row boats for hire—Good Meals Served.
A. L. MacKAYE, Proprietor.

You don't really love Hawaii until you have dined, danced and slept at the
SEASIDE HOTEL
J. H. Hertsch, Manager

VIENNA BAKERY
The Best Home-Made Bread in Town.
1129 Fort St. Phone 2124

HAVE YOU HAD YOUR FEET "FOOTGRAPHED" YET?
REGAL BOOT SHOP
Fort and Hotel Streets

HONOLULU MUSIC CO.
Everything Musical
Fort, next to the Clarion

Kill the Heat
in various ways with Oahu Ice Company's
— ICE —

The HUB for Clothes

Suggestions and designs for **RESETTING AND REMODELING OLD JEWELRY**
Gold and Platinum Settings
WALL & DOUGHERTY

E. O. Hall & Son
GENERAL MERCHANDISE
Fort and King Sts.
Sugar Factors, Importers, and

H. HACKFELD & CO.
Limited.
Commission Merchants.
HONOLULU

PACIFIC ENGINEERING COMPANY, LTD.
Consulting, Designing and Constructing Engineers.
Bridges, Buildings, Concrete Structures, Steel Structures, Sanitary Systems, Reports and Estimates on Projects
Phone 1045

HAWAIIAN DISTRIBUTING CO.
1109 Alakea St., Honolulu. Phone 5114.
Something new. Hat patterns 25c. Free instruction on how to make your new hat, by our Milliner.

STAR-BULLETIN GIVES YOU TODAY'S NEWS TODAY