

**ACT 21**

An Act to Amend Act 159, Session Laws of Hawaii 1961, Relating to the Refund of Instructional Fees Collected from the Students of State Technical Evening Schools for the School Year 1958-1959 by Changing the Dates "1957-1958" to "1958-1959" in Its Title and Section 1 of Said Act.

WHEREAS, section 11 of Article III of the Constitution of the State of Hawaii provides for the consideration and enactment in a budget session of all urgency measures deemed necessary in the public interest; and

WHEREAS, said section further provides that no urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in a section thereof and until such section shall have been first approved by each house; and

WHEREAS, it is the intention of the legislature to enact this as an urgency measure pursuant to said section 11 of Article III; now, therefore,

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

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

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

During the General Session of 1961, First State Legislature, the Department of Education submitted a legislative proposal providing for the refund of instructional fees collected from students in the technical evening schools for the school year 1957-58. Introduced as S.B. 88, this became law through Act 159, Session Laws of Hawaii 1961.

In carrying out provisions of Act 159, it has been discovered that the fees purported to have been inadvertently collected in 1957-58 actually were collected in 1958-59. This error was made in the initial bill and was not detected until action was taken by the State comptroller to make refund payments.

The Attorney General's Office was asked whether refunds to the students could be made under the existing statute. No basis could be found for considering this a typographical error, and the Department of Education was urged to seek corrective legislation.

Section 2 of Act 159 has been fully complied with, claims have been processed and vouchers have been sent to the comptroller. However, payment has been stopped by the comptroller.

It is therefore most urgent that corrective legislation be enacted to change the dates "1957-1958" to "1958-1959" in the title and section 1 of Act 159, Session Laws of Hawaii 1961, in order that these funds may be properly expended.

SECTION 2. (a) Act 159, Session Laws of Hawaii 1961, is hereby amended by deleting the dates "1957-1958" in the title of said bill and substituting therefor the dates "1958-1959".

(b) Section 1 of said Act 159 is amended by deleting the dates "1957-1958" in the last line of section 1 of said act and substituting therefor the dates "1958-1959".

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

(Approved May 16, 1962.) **H.B. 541.**

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