

ACT 29

A Bill for an Act Relating to the Preparation of a Revision of the Statutes of Hawaii and Making an Appropriation Therefor.

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 facts constituting such urgency:

The Revised Laws of Hawaii 1955, the revision of the statutes of Hawaii now in use, was enacted in 1957. Legislation since then has amended or repealed many of its provisions and added new or supplementary provisions to it. The additional and amendatory enactments are set forth in a Supplement which is growing progressively unwieldy as it increases in content with each legislative session.

In addition, as a result of statehood and the legislative processes, the classification system utilized in the 1955 Revised Laws has become inappropriate and requires overhauling.

In order to clarify and rearrange the statutory material and to present it in the most convenient and useful form, a complete revision of the statutes now in force is necessary, and it is urgent that the work be authorized at this session to insure publication of a new revision before the present one becomes too cumbersome for practical use.

SECTION 2. The purpose of this Act is to authorize the preparation of a new revision of the statutes of Hawaii; and for that purpose, to create an advisory committee to assist in establishing a basic plan to govern the preparation of the revision by the office of the revisor of statutes, to prescribe functions and guides for the office of the revisor, to authorize the making of contracts to utilize automatic processes and for editorial services, and to make an appropriation to cover the first year's expenses of the preparation of the new revision.

SECTION 3. There shall be an advisory committee on statute revision consisting of three members of the Senate to be appointed by the President of the Senate, three members of the House of Representatives to be appointed by the Speaker of the House of Representatives, two members appointed by the chief justice of the supreme court and the director of the legislative reference bureau, University of Hawaii. Such appointments shall be made within ten days after the approval of this Act.

The committee shall advise the office of the revisor of statutes

in establishing a system and plan for the revision, printing and publication of all statute laws of Hawaii as provided in this Act.

The members of the committee shall be entitled to the same allowances and expenses authorized by section 2-20, Revised Laws of Hawaii 1955, which shall be paid out of moneys appropriated by this Act.

SECTION 4. With the advice of the advisory committee and consistent with the other provisions of this Act, the office of the revisor of statutes shall establish, implement and carry out a system and plan for the revision, printing and publication of all statute laws of Hawaii now in force and as may be enacted by the legislature at any session through the 1967 regular session.

SECTION 5. In implementing the system and plan for revision, the office of the revisor of statutes shall have the following general powers:

- (a) To adopt a uniform system of punctuation, capitalization and wording;
- (b) To eliminate obsolete and redundant words;
- (c) To correct obvious errors and inconsistencies;
- (d) To eliminate duplications and laws repealed directly or by clear implication;
- (e) To rearrange and renumber the statutory provisions;
- (f) To simplify and clarify the laws;
- (g) To perform other functions deemed necessary to prepare a complete, thorough revision.

SECTION 6. The functions under section 5 shall be done in such form and manner as to preserve the meaning and effect of the laws and in conformity with the following provisions:

- (a) Statutes obviously inconsistent with the Constitutions of the United States and the State of Hawaii shall not be included in the revision;
- (b) Where a statute is repugnant to the Constitutions of the United States or the State in part only, it may be modified so as to conform thereto;
- (c) Where two or more statutes are obviously repugnant to each other, only the statute last enacted shall be included;
- (d) Where two or more statutes or parts thereof overlap each other or substantially cover the same ground, only the statute last enacted shall be included;
- (e) Where a statute refers to another statute which has been repealed, and a subsequent statute has been enacted covering the same subject matter as the repealed statute, the first statute may be modified so as to refer to the new statute in place of the repealed statute;
- (f) Mistakes of omission or erroneous references to statutes or other mistakes, obviously made through oversight or accident in the original statutes may be corrected;
- (g) Statutes may be modified so as to express the intention manifested in later statutes, either expressly or by clear implication; and,

where any statute or part thereof is obviously obsolete or redundant, such statute or part thereof may be omitted.

SECTION 7. Any departure or change in the letter of existing statutes made in the preparation of the revision, either by way of alteration or omission shall be noted.

SECTION 8. The office of the revisor shall recommend in a separate report, such changes, repeals or modifications of the statutes, not authorized to be made in the preparation of the revision, as it deems advisable for the sake of clearness, consistency, brevity and efficiency.

SECTION 9. The office of the revisor may omit from the revision, or may set forth in appendices or notes, any act or provision of the following nature:

(a) Any appropriation act, loan fund act, special pension act, or franchise act, or any provision of like nature in any other act whether or not a part thereof has been embraced in the revision;

(b) Any provision of a temporary nature the functions of which have been fulfilled;

(c) Any provision in the nature of a saving clause or short title, or any provision relating to constitutionality, legislative findings or intent, interpretation, or the repeal of laws;

(d) Any provision as to the time at which or manner in which provisions embraced in the revision were or are to take effect or apply or other transition provisions;

(e) Any other act or provision of an ephemeral nature.

The Committee shall make a report stating what acts or provisions, or categories of acts or provisions, have been omitted or relegated to appendices or notes.

SECTION 10. The revision shall include:

(a) All the statutory laws of the State of Hawaii of a general and permanent nature now in effect and which may be enacted by legislative sessions through the general session of 1967;

(b) The Constitution of the United States;

(c) The Constitution of the State of Hawaii;

(d) The Act of Congress admitting Hawaii into the Union;

(e) The Hawaiian Organic Act;

(f) Other additional laws affecting the State or references thereto deemed advisable.

SECTION 11. The revision shall also include the following material:

(a) Table of contents;

(b) A complete index;

(c) Headnotes expressing the substance of each section of the revision;

(d) Notes citing the original enactment of each section, amendments thereof, if any, and the last revision in which the section is found;

(e) Case annotations covering the reported decisions of the state and federal courts construing and interpreting Hawaii laws;

(f) Tables showing the disposition of the laws;

(g) Any other matter as shall be deemed advisable or advantageous.

SECTION 12. The revisor of statutes may employ temporary assistants to augment the staff of the office of the revisor, as may be necessary to expedite the revision and shall approve for payment such extra expenses as the office may incur in carrying out the provisions of this Act. Persons employed as authorized by this section shall be exempt from the civil service and compensation laws of the State.

SECTION 13. The office of the revisor may enter into contracts upon such terms and conditions as it deems necessary for the interests of the State, for the purpose of utilizing electronic and automatic processes and equipment to assist the office of the revisor in the preparation of the revision.

SECTION 14. The office of the revisor may enter into contracts for the writing of a full index, and for such other recognized editorial or expert services as the committee deems advantageous to the State, but all of the editorial work for the revision shall not be so contracted out. The office of the revisor shall enter into a contract with the judicial council for a comprehensive study, review and revision of the state criminal, juvenile and correctional law.

SECTION 15. The revisor of statutes shall submit to the legislature of the 1967 regular session a report on the progress of revision. The report shall include the determination as to the basic system and plan of the revision, including the manner of printing and binding and a request for an appropriation for the 1967-1968 fiscal year to complete the revision.

SECTION 16. Notwithstanding section 1-54, Revised Laws of Hawaii 1955, the office of the revisor shall not prepare for publication the 1967 Supplement to the Revised Laws of Hawaii 1955.

SECTION 17. There is hereby appropriated out of the general revenues of the State the sum of \$146,250 or so much thereof as may be necessary, for the purposes of this Act to be expended by the office of the revisor.

SECTION 18. This Act shall take effect upon its approval.
(Approved April 6, 1966.) **H.B. 16.**