A BILL FOR AN ACT

RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES OR THE SESSION LAWS OF HAWAII FOR THE PURPOSES OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, OR DELETING OBSOLETE OR UNNECESSARY PROVISIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. Section 15D-2, Hawaii Revised Statutes, is
- 2 amended as follows:
- 3 1. By amending the definition of "federal postcard
- 4 application" to read:
- 5 ""Federal postcard application" means the application
- 6 prescribed under section 101(b)(2) of the Uniformed and Overseas
- 7 Citizens Absentee Voting Act, [42 U.S.C. section 1973ff(b)(2).]
- 8 52 United States Code section 20301(b)(2)."
- 9 2. By amending the definition of "federal write-in
- 10 absentee ballot" to read:
- ""Federal write-in absentee ballot" means the ballot
- 12 described in section 103 of the Uniformed and Overseas Citizens
- 13 Absentee Voting Act, [42 U.S.C. section 1973ff-2.] 52 United
- 14 States Code section 20303."

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2 amended as follows: 3 1. By amending subsection (a) to read: The chief election officer shall be the state 4 5 official responsible for implementing this chapter and the 6 State's responsibilities under the Uniformed and Overseas 7 Citizens Absentee Voting Act, [42 U.S.C. section 1973ff] 52 8 United States Code section 20301 et seq." 9 2. By amending subsection (d) to read: 10 "(d) The chief election officer shall accept forms 11 prescribed by the Uniformed and Overseas Citizens Absentee 12 Voting Act, [42 U.S.C. section 1973ff] 52 United States Code 13 section 20301 et seq., for use by a covered voter [+]that[+ 14 contains contain the prescribed standard declaration to swear 15 or affirm specific representations pertaining to the voter's

SECTION 2. Section 15D-4, Hawaii Revised Statutes, is

19 SECTION 3. Section 30-1, Hawaii Revised Statutes, is 20 amended to read as follows:

timely and proper completion of [an overseas-military] a

identity, eligibility to vote, status as a covered voter, and

military-overseas ballot."

1 "[+]\$30-1[+] Declaration of purpose. The legislature 2 declares it to be the purpose of this chapter to promote the 3 orderly transfer of the executive power in connection with the 4 expiration of the term of office of a governor and the 5 inauguration of a new governor. The interest of the State 6 requires that such transitions be accomplished so as to assure 7 continuity in the conduct of the affairs of the state 8 government. Any disruption occasioned by the transfer of the 9 executive power could produce results detrimental to the safety 10 and well-being of the State and its people. Accordingly, it is 11 the intent of the legislature that appropriate actions be 12 authorized and taken to avoid or minimize any disruption. 13 addition to the specific provisions contained in this chapter 14 directed toward that purpose, it is the intent of the 15 legislature that all officers of the state government so conduct 16 the affairs of the state government for which they exercise 17 responsibility and authority as: 18 (1) [to] To be mindful of problems occasioned by

transitions in the office of governor[7];

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- 1 (2) [to] To take appropriate lawful steps to avoid or
 2 minimize disruptions that might be occasioned by the
 3 transfer of the executive power[7]; and
- 4 (3) [otherwise] Otherwise to promote orderly transitions
 5 in the office of governor."
- 6 SECTION 4. Section 161-3, Hawaii Revised Statutes, is 7 amended as follows:
- By amending the definition of "Federal Food, Drug, and
 Cosmetic Act" to read:
- ""Federal Food, Drug, and Cosmetic Act" means the federal

 Act so entitled, approved June 25, 1938 (Public Law [75-675;]

 75-717; 52 Stat. 1040; 21 U.S.C.A. section 301 et seq.), and all

 amendments to that Act."
- 2. By amending the definition of "misbranded" to read:""Misbranded" includes any poultry or poultry product in

one or more of the following circumstances:

- 17 (1) Its labeling is false or misleading in any particular.
- 18 (2) It is offered for sale under the name of another food.
- 19 (3) It is an imitation of another food, unless its label
 20 bears, in type of uniform size and prominence, the

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2		of the food imitated.
3	(4)	Its container is made, formed, or filled as to be
4		misleading.
5	(5)	It is in a package or other container, unless it bears
6		a label showing:
7		(A) The name and place of business of the
8		manufacturer, packer, or distributor; and
9		(B) An accurate statement of the quantity of the
10		contents in terms of weight, measure, or
11		numerical count; provided that the board may
12		permit reasonable variations $[au]$ and may prescribe
13		exemptions for small packages.
14	(6)	Any word, statement, or other information required by
15		this chapter to appear on the label or other labeling
16		is not prominently placed with adequate
17		conspicuousness, as compared with other words,

statements, designs, or devices, on the labeling, and

understood by the ordinary individual under customary

in adequate terms to be likely to be read and

conditions of purchase and use.

word "imitation" and immediately thereafter the name

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1	(7)	It purports to be or is represented as a food for
2		which a definition and standard of identity or
3		composition has been prescribed by the board under
4		this chapter, unless:
5		(A) $[\frac{it}{it}]$ It conforms to that definition and
6		standard[7]; and
7		(B) [its] Its label bears the name of the food
8		specified in the definition and standard, and
9		bears the common names of optional ingredients,
10		as may be required, other than spices, flavoring
11		and coloring, present in the food.
12	(8)	It purports to be or is represented as a food for
13		which a standard or standards of fill of container
14		have been prescribed by the board under this chapter,
15		and it falls below the applicable standard of fill of
16		container, unless its label bears, in the manner and
17		form that the board prescribes, a statement that it

(9) It is not subject to [item] paragraph (7), unless its

falls below that standard.

label bears[7]:

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1	(A) [the] The common or usual name of the food, if
2	any[-]: and[-]
3	(B) $\left[\frac{in}{n}\right]$ In case it is fabricated from two or more
4	ingredients, the common or usual name of each
5	ingredient, except that, when authorized by the
6	board, spices, flavorings, and colorings may[,
7	when authorized by the board,] be designated as
8	spices, flavorings, and colorings without naming
9	each; provided that to the extent that compliance
10	with this requirement is impracticable, or
11	results in deception or unfair competition,
12	exemptions shall be established by the board.
13 (10)	It purports to be or is represented for special
14	dietary uses, unless its label bears information
15	concerning its vitamin, mineral, and other dietary
16	properties that the board, after consultation with the
17	United States Secretary of Agriculture, determines to
18	be and prescribes as necessary, in order to fully
19	inform purchasers as to its value for such uses.
20 (11)	It bears or contains any artificial flavoring,
21	artificial coloring, or chemical preservative, unless

1		it bears labeling stating that fact; provided that to
2		the extent that compliance with this requirement is
3		impracticable, exemptions shall be established by the
4		board.
5	(12)	It fails to bear, directly on it or on its container,
6		as the board may prescribe, the inspection legend and,
7		unrestricted by any of the foregoing, other
8		information as the board may require, to assure that
9		the labeling will not be false or misleading and that
10		the public will be informed of the manner of handling
11		required to maintain the poultry or poultry products
12		in a wholesome condition."
13	SECT	ION 5. Section 161-25, Hawaii Revised Statutes, is
14	amended to	o read as follows:
15	"[+]:	§161-25[+] Slaughter, processing, transportation, and
16	selling.	No person [shall], with respect to any poultry or
17	poultry p	roduct[÷], shall:
18	(1)	Slaughter any [such] poultry or process any [such]
19		poultry or poultry products [which] that are capable
20		of use as human food, at any establishment processing
21		[such] poultry or poultry products solely for

1		intrastate commerce, except in compliance with the
2		requirements of this chapter [-];
3	(2)	Sell, transport, offer for sale or transportation, or
4		receive for transportation, in intrastate commerce[7]:
5		(A) [any such] Any poultry or poultry products
6		[which] that are capable of use as human food[$_{7}$]
7		and are adulterated or misbranded at the time of
8		[such] sale, transportation, offer for sale or
9		transportation, or receipt for transportation; or
10		(B) [any] Any poultry or poultry products required to
11		be inspected under this chapter unless they have
12		been so inspected and passed[+]; or
13	(3)	Do, with respect to any [such] poultry or poultry
14		products [which] that are capable of use as human
15		food, any act while they are being transported in
16		intrastate commerce or held for sale after such
17		transportation[, which] that is intended to cause or
18		has the effect of causing [such] the poultry or
19		poultry product to be adulterated or misbranded."

- 1 SECTION 6. Section 166E-2, Hawaii Revised Statutes, is
- 2 amended by amending the definition of "aquacultural activities"
- 3 to read as follows:
- 4 ""Aquacultural activities" means the farming or ranching
- 5 [or] of any plant or animal species in a controlled salt,
- 6 brackish, or freshwater environment; provided that the farm or
- 7 ranch is on or directly adjacent to land."
- 8 SECTION 7. Section 171-14.5, Hawaii Revised Statutes, is
- 9 amended by amending subsection (a) to read as follows:
- "(a) Whenever used in this section, unless otherwise
- 11 apparent from the context:
- "Farm" also means "ranch" and "farmer" also means
- "rancher".
- "Individual" means a natural person who is not a part of a
- 15 partnership, corporation, or joint venture [which] that is a
- 16 potential bidder under this section.
- 17 "Nonindividual <u>far</u>m concern" means a partnership,
- 18 corporation, or joint venture properly formed under law and
- 19 [which] that is a potential bidder under this section."
- 20 SECTION 8. Section 171-50, Hawaii Revised Statutes, is
- 21 amended by amending subsection (a) to read as follows:



- 1 "(a) Purpose. No exchange of public land for private land
- 2 shall be made except for public purposes, including but not
- 3 limited to:
- 4 (1) [consolidation] Consolidation of holdings of public
- 5 lands;
- **6** (2) [straightening] Straightening of boundaries of public
- 7 lands;
- **8** (3) [acquisition] Acquisition of adequate access for
- 9 landlocked public lands [which] that have development
- 10 potential; or
- 11 (4) [acquisition] Acquisition of lands suitable for
- 12 residential use.
- 13 Exchanges shall be effected without public auction. Public
- 14 notice of any proposed exchange shall be given in accordance
- 15 with the applicable provisions set forth in section 171-16(d).
- 16 All private lands conveyed to the State by way of exchanges
- 17 shall thereafter become public lands."
- 18 SECTION 9. Section 179-2, Hawaii Revised Statutes, is
- 19 amended as follows:
- 20 1. By adding two new definitions to be appropriately
- 21 inserted and to read:



1 ""Federal flood control project" means a flood control 2 project authorized and implemented pursuant to the Federal Flood Control Act of 1936 or the Watershed Protection and Flood 3 Prevention Act of 1958, as amended or supplemented. 4 5 "State flood control project" means a flood control project 6 sponsored and financed by the State and authorized and 7 implemented pursuant to section 179-4(3)." 2. By amending the definition of "'Flood control project', 8 9 'federal flood control project', and 'state flood control 10 project'" to read: 11 ""Flood control project"[, "federal flood control project", 12 and "state flood control project" mean, respectively: (1)] 13 means specific flood control works [which] that comprise all or 14 a portion of the works needed to complete a specific flood 15 control program[; (2) a flood control project authorized and implemented pursuant to the Federal Flood Control Act of 1936 or 16 the Watershed Protection and Flood Prevention Act of 1958, as 17 18 amended or supplemented, and (3) a flood control project 19 sponsored and financed by the State and authorized and 20 implemented pursuant to section 179-4(3)]."

1 SECTION 10. Section 235-2.3, Hawaii Revised Statutes, is

2 amended by amending subsection (b) to read as follows:

3 "(b) The following Internal Revenue Code subchapters,

4 parts of subchapters, sections, subsections, and parts of

5 subsections shall not be operative for the purposes of this

6 chapter, unless otherwise provided:

7 Subchapter A (sections 1 to 59A) (with respect to (1)8 determination of tax liability), except section 9 1(h)(2) (relating to net capital gain reduced by the 10 amount taken into account as investment income), except sections 2(a), 2(b), and 2(c) (with respect to 11 the definition of "surviving spouse" and "head of 12 13 household"), except section 41 (with respect to the 14 credit for increasing research activities), except section 42 (with respect to low-income housing 15 16 credit), except sections 47 and 48, as amended, as of 17 December 31, 1984 (with respect to certain depreciable 18 tangible personal property), and except section 19 48(d)(3), as amended, as of February 17, 2009 (with 20 respect to the treatment of United States Department 21 of Treasury grants made under section 1603 of the

1		American Recovery and Reinvestment Tax Act of 2009).
2		For treatment, see sections 235-110.91, 235-110.7, and
3		235-110.8;
4	(2)	Section 78 (with respect to dividends received from
5		certain foreign corporations by domestic corporations
6		choosing foreign tax credit);
7	(3)	Section 86 (with respect to social security and tier 1
8		railroad retirement benefits);
9	(4)	Section 91 (with respect to certain foreign branch
10		losses transferred to specified 10-percent owned
11		foreign corporations);
12	(5)	Section 103 (with respect to interest on state and
13		local bonds). For treatment, see section 235-7(b);
14	(6)	Section 114 (with respect to extraterritorial income).
15		For treatment, any transaction as specified in the
16		transitional rule for 2005 and 2006 as specified in
17		the American Jobs Creation Act of 2004 section 101(d)
18		and any transaction that has occurred pursuant to a
19		binding contract as specified in the American Jobs
20		Creation Act of 2004 section 101(f) are inonerative:

1	(7)	Section 120 (with respect to amounts received under
2		qualified group legal services plans). For treatment,
3		see section 235-7(a)(9) to (11);
4	(8)	Section 122 (with respect to certain reduced uniformed
5		services retirement pay). For treatment, see
6		section 235-7(a)(3);
7	(9)	Section 135 (with respect to income from United States
8		savings bonds used to pay higher education tuition and
9		fees). For treatment, see section 235-7(a)(1);
10	(10)	Section 139C (with respect to COBRA premium
11		assistance);
12	(11)	Subchapter B (sections 141 to 150) (with respect to
13		tax exemption requirements for state and local bonds);
14	(12)	Section 151 (with respect to allowance of deductions
15		for personal exemptions). For treatment, see
16		section 235-54;
17	(13)	Section 179B (with respect to expensing of capital
18		costs incurred in complying with Environmental
19		Protection Agency sulphur regulations);
20	(14)	Section 181 (with respect to special rules for certain
21		film and television productions);



1 (15) Section 196 (with respect to deduction for certain 2 unused investment credits); 3 (16) Section 199 (with respect to the U.S. production activities deduction); 4 Section 199A (with respect to qualified business 5 (17)6 income); 7 Section 222 (with respect to qualified tuition and (18)8 related expenses); 9 (19)Sections 241 to 247 (with respect to special 10 deductions for corporations). For treatment, see 11 section 235-7(c); Section 250 (with respect to foreign-derived 12 (20)13 intangible income and global intangible low-taxed 14 income); Section 267A (with respect to certain related party 15 (21)16 amounts paid or accrued in hybrid transactions or with 17 hybrid entities); Section 280C (with respect to certain expenses for 18 (22)19 which credits are allowable). For treatment, see section 235-110.91; 20

1	(23)	Section 291 (with respect to special rules relating to
2		corporate preference items);
3	(24)	Section 367 (with respect to foreign corporations);
4	(25)	Section 501(c)(12), (15), (16) (with respect to exempt
5		organizations); except that section 501(c)(12) shall
6		be operative for companies that provide potable water
7		to residential communities that lack any access to
8		public utility water services;
9	(26)	Section 515 (with respect to taxes of foreign
10		countries and possessions of the United States);
11	(27)	Subchapter G (sections 531 to 565) (with respect to
12		corporations used to avoid income tax on
13		shareholders);
14	(28)	Subchapter H (sections 581 to 597) (with respect to
15		banking institutions), except section 584 (with
16		respect to common trust funds). For treatment, see
17		chapter 241;
18	(29)	Section 642(a) and (b) (with respect to special rules
19		for credits and deductions applicable to trusts). For
20		treatment, see sections 235-54(b) and 235-55;



1	(30)	Section 646 (with respect to tax treatment of electing
2		Alaska Native settlement trusts);
3	(31)	Section 668 (with respect to interest charge on
4		accumulation distributions from foreign trusts);
5	(32)	Subchapter L (sections 801 to 848) (with respect to
6		insurance companies). For treatment, see
7		sections 431:7-202 and 431:7-204;
8	(33)	Section 853 (with respect to foreign tax credit
9		allowed to shareholders). For treatment, see
10		section 235-55;
11	(34)	Section 853A (with respect to credits from tax credit
12		bonds allowed to shareholders);
13	(35)	Subchapter N (sections 861 to 999) (with respect to
14		tax based on income from sources within or without the
15		United States), except sections 985 to 989 (with
16		respect to foreign currency transactions). For
17		treatment, see sections 235-4, 235-5, and 235-7(b),
18		and 235-55;
19	(36)	Section 1042(g) (with respect to sales of stock in
20		agricultural refiners and processors to eligible farm
21		cooperatives);

1	(37)	Section 1055 (with respect to redeemable ground
2		rents);
3	(38)	Section 1057 (with respect to election to treat
4		transfer to foreign trust, etc., as taxable exchange);
5	(39)	Sections 1291 to 1298 (with respect to treatment of
6		passive foreign investment companies);
7	(40)	Subchapter Q (sections 1311 to 1351) (with respect to
8		readjustment of tax between years and special
9		limitations), except for section 1341 (with respect to
10		computation of tax where taxpayer restores substantial
11		amount held under claim of right);
12	(41)	Subchapter R (sections 1352 to 1359) (with respect to
13		election to determine corporate tax on certain
14		international shipping activities using per ton rate);
15	(42)	Subchapter U (sections 1391 to $[\frac{1379F}{}]$ $\underline{1397F}$) (with
16		respect to designation and treatment of empowerment
17		zones, enterprise communities, and rural development
18		investment areas). For treatment, see chapter 209E;
19	(43)	Subchapter W (sections 1400 to 1400C) (with respect to
20	•	District of Columbia enterprise zone);



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              Section 14000 (with respect to education tax
        (44)
 2
              benefits);
        (45)
              Section 1400P (with respect to housing tax benefits);
 3
 4
        (46)
              Section 1400R (with respect to employment relief);
 5
        (47)
              Section 1400T (with respect to special rules for
 6
              mortgage revenue bonds);
 7
              Section 1400U-1 (with respect to allocation of
        (48)
              recovery zone bonds);
 8
9
        (49)
              Section 1400U-2 (with respect to recovery zone
10
              economic development bonds); and
11
        (50)
              Section 1400U-3 (with respect to recovery zone
12
              facility bonds)."
13
         SECTION 11. Section 237D-6.5, Hawaii Revised Statutes, is
14
    amended by amending subsection (b) to read as follows:
15
         "(b) Except for the revenues collected pursuant to
16
    section 237D-2(e), revenues collected under this chapter shall
17
    be distributed in the following priority, with the excess
18
    revenues to be deposited into the general fund:
19
              $1,500,000 shall be allocated to the Turtle Bay
         (1)
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              conservation easement special fund beginning July 1,
21
              2015, for the reimbursement to the state general fund
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1		of debt service on reimbursable general obligation
2		bonds, including ongoing expenses related to the
3		issuance of the bonds, the proceeds of which were used
4		to acquire the conservation easement and other real
5		property interests in Turtle Bay, Oahu, for the
6		protection, preservation, and enhancement of natural
7		resources important to the State, until the bonds are
8		fully amortized;
9	(2)	\$11,000,000 shall be allocated to the convention
10		center enterprise special fund established under
11		section 201B-8;
12	(3)	An allocation shall be deposited into the tourism
13		emergency special fund, established in
14		section 201B-10, in a manner sufficient to maintain a
15		fund balance of \$5,000,000 in the tourism emergency
16		special fund; and
17	(4)	\$3,000,000 shall be allocated to the special land and
18		development fund established under section 171-19;
19		provided that the allocation shall be expended in
20		accordance with the Hawaii tourism authority strategic
21		plan for:

(A)	The protection, preservation, maintenance, and
	enhancement of natural resources, including
	beaches, important to the visitor industry;
(B)	Planning, construction, and repair of facilities
	and
(C)	Operation and maintenance costs of public lands,
	including beaches, connected with enhancing the
	visitor experience.
All trans	ient accommodations taxes shall be paid into the
state treasury	each month within ten days after collection and
shall be kept	by the state director of finance in special
accounts for d	istribution as provided in this subsection.
[As used	in this subsection, "fiscal year" means the
twelve-month-p	eriod beginning on July 1 of a calendar year and
ending on June	30 of the following calendar year.]"
SECTION 1	2. Section 329-38, Hawaii Revised Statutes, is
amended by ame	nding subsection (c) to read as follows:
"[[](c)	Initial concurrent prescriptions for opioids and
benzodiazepine	s shall not be for longer than seven consecutive
days unless th	e prescription is issued for a qualified patient
	(B) (C) All trans state treasury shall be kept accounts for d [As used twelve-month-p ending on June SECTION 1 amended by ame "[+](c) benzodiazepine

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- 1 pursuant to chapter 327L or a supply of longer than seven days
- 2 is determined to be medically necessary for the treatment of:
- 3 (1) Pain experienced while the patient is in
- 4 post-operative care;
- 5 (2) Chronic pain and pain management;
- 6 (3) Substance abuse or opioid or opiate dependence;
- 7 (4) Cancer;
- **8** (5) Pain experienced while the patient is in palliative
- 9 care; or
- 10 (6) Pain experienced while the patient is in hospice care;
- 11 provided that if a prescribing practitioner issues a concurrent
- 12 prescription for more than a seven-day supply of an opioid and
- 13 benzodiazepine, the practitioner shall document in the patient's
- 14 medical record the condition for which the practitioner issued
- 15 the prescription and that an alternative to the opioid and
- 16 benzodiazepine was not appropriate treatment for the
- 17 condition.[+]"
- 18 SECTION 13. Section 421I-3, Hawaii Revised Statutes, is
- 19 amended by amending subsection (b) to read as follows:
- 20 "(b) Every member of the board of directors shall be:
- 21 (1) A shareholder of the [cooperation;] corporation;



1	(2) A sp	pouse of a shareholder; or
2	(3) A t	rust beneficiary, if the shareholder is a trustee."
3	SECTION 1	14. Section 490:9-628, Hawaii Revised Statutes, is
4	amended by ame	ending subsections (b) and (c) to read as follows:
5	"(b) Subject to subsection (f), a secured party shall not	
6	be liable because of its [the] status as secured party to:	
7	(1) A pe	erson that is a debtor or obligor, unless the
8	seci	ared party knows:
9	(A)	That the person is a debtor or obligor;
10	(B)	The identity of the person; and
11	(C)	How to communicate with the person; or
12	(2) A se	ecured party or lienholder that has filed a
13	fina	ancing statement against a person, unless the
14	secı	ared party knows:
15	(A)	That the person is a debtor; and
16	(B)	The identity of the person.
17	(c) A se	ecured party shall not be liable to any person, and
18	a person's liability for a deficiency shall not be affected,	
19	because of any act or omission arising out of the secured	
20	party's reasonable belief that a transaction is not a	
21	consumer-goods transaction or a consumer transaction or that	

1	goods are not consumer goods, if the secured party's belief is		
2	based on its [the] reasonable reliance on:		
3	(1) A debtor's representation concerning the purpose for		
4	which collateral was to be used, acquired, or held; or		
5	(2) An obligor's representation concerning the purpose for		
6	which a secured obligation was incurred."		
7	SECTION 15. Act 23, Session Laws of Hawaii 2023, is		
8	amended by amending section 7 to read as follows:		
9	"SECTION 7. This Act shall take effect upon its approval;		
10	provided that the amendments made to section 709-906, Hawaii		
11	Revised Statutes, by [$\frac{\text{section 3}}{\text{section 4}}$] of this Act shall not		
12	be repealed when that section is reenacted on June 30, 2026,		
13	pursuant to:		
14	(1) Section 15 of Act 19, Session Laws of Hawaii 2020; and		
15	(2) Section 4 of Act 238, Session Laws of Hawaii 2021."		
16	SECTION 16. Statutory material to be repealed is bracketed		
17	and stricken. New statutory material is underscored.		
18	SECTION 17. This Act shall take effect upon its approval.		
19			
	INTRODUCED BY:		
	JAN 2 3 2024		

Report Title:

Revision Bill

Description:

Amends or repeals various provisions of the Hawaii Revised Statutes or the Session Laws of Hawaii for the purposes of correcting errors and references, clarifying language, or deleting obsolete or unnecessary provisions.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.