

ACT 16

S. B. 24.

A Bill for an Act Relating to the Revision of the General and Permanent Statutes of Hawaii; Enacting the Hawaii Revised Statutes; Authorizing the Publication Thereof; and Other Matters Relating Thereto.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is 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.

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

At its 1966 session the Legislature passed Act 29 authorizing the preparation of a revision of the statute laws of the State. It required the inclusion in the revision of all the general and permanent laws enacted by the Legislature through its session of 1967. At the same time it dispensed with the publication of the 1967 Supplement to the Revised Laws of 1955. In passing Act 29, the Legislature found the adoption of a new revision to be urgently needed in the public interest. The bulk revision has been completed and is ready for enactment into law. Its enactment at this session will permit the earliest substitution of the Revised Laws of 1955, which, as indicated, is supplemented through the 1965 session only. It will also enable the adoption of a revision that is currently complete, one containing the effective laws of all previous legislative sessions.

SECTION 2. Enactment of Revised Statutes. Titles 1 through 38, and each chapter and section thereof, of the 4-volume manuscript designated as "Hawaii Revised Statutes as prepared for submission to the Fourth State Legislature of the State of Hawaii," dated February 1968, prepared by the Office of Revisor of Statutes with the advice of the Advisory Committee on Statute Revision in accordance with Act 29 of the Session Laws of 1966 and Act 38 of the Session Laws of 1967, are hereby enacted as law effective February 19, 1969, and designated as "Hawaii Revised Statutes" and may be cited as "HRS."

SECTION 3. Repeal of prior laws; what not repealed. All statutes in force immediately prior to February 19, 1969, which are embraced, with or without change, in the Hawaii Revised Statutes are hereby repealed on and after February 19, 1969, and so much of the Hawaii Revised Statutes as is applicable or corresponds thereto shall be in force in lieu thereof; provided that the repeal shall not apply to or affect the following, except to the extent that they are theretofore, superseded or repealed, to wit:

(a) Any statute or part thereof of which no part is embraced in the Hawaii Revised Statutes.

(b) Any appropriation act, loan fund act, bond act, special pension act, franchise act, or any provision of like nature in any other act whether or not a part thereof has been embraced in the Hawaii Revised Statutes.

(c) Any provision of a temporary nature.

(d) 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.

(e) Any provision as to the time at which or manner in which provisions embraced in the Hawaii Revised Statutes were or are to take effect or apply, or other transition provisions.

(f) Any provision as to the effect of noncompliance of any state law or part thereof with any federal law, or as to the effect of failure to secure a certificate or approval of any federal officer or other federal agency, and notwithstanding the enactment of the Hawaii Revised Statutes, such noncom-

pliance, or the failure to secure such certificate or approval, shall have the same effect as if the Hawaii Revised Statutes had not been enacted.

(g) Any provision relating to particular places, highways, projects, enterprises, or any other special or temporary provisions.

SECTION 4. Procedural statutes. Notwithstanding the inclusion in the Hawaii Revised Statutes of statutory provisions relating to process, practice, procedure, and appeals that have been superseded by the rules of court, the enactment of the Hawaii Revised Statutes shall not constitute a reenactment of such procedural provisions, and such procedural provisions shall continue to have only such force and effect as they had prior to the enactment of the Hawaii Revised Statutes.

SECTION 5. Preservation of rights and liabilities. Said repeal shall not affect any act done, ratified, or confirmed, or any right accruing, accrued, or established, or any action, suit, or proceeding had or commenced in any civil cause, prior to the repeal, but all rights and liabilities under any statute embraced in the Hawaii Revised Statutes or so repealed shall continue and may be enforced in the same manner and with the same effect as if the repeal had not been made; nor shall the repeal in any manner affect the right to any office or change the term or tenure thereof.

SECTION 6. Preservation of penalties for offenses, etc. Said repeal shall not affect any offense committed or any punishment, penalty, or forfeiture incurred, prior to the repeal, under any statutes embraced in the Hawaii Revised Statutes or so repealed, but every such offense may be prosecuted and punished, and every such punishment, penalty, or forfeiture imposed and enforced, in the same manner and with the same effect as if the repeal had not been made.

SECTION 7. Preservation of statutes of limitations. No statute of limitations, whether applicable to civil causes or proceedings, or to the prosecution of offenses, or for the recovery of penalties or forfeitures, embraced in the Hawaii Revised Statutes, or so repealed, shall be affected thereby, but all suits, proceedings, and prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to the repeal may be commenced and prosecuted with the same effect as if the repeal had not been made.

SECTION 8. Construction of Revised Statutes. Provisions in the Hawaii Revised Statutes shall be construed as continuations or amendments of applicable or corresponding provisions of previously existing laws and not as new enactments. In case of a conflict between two or more provisions, or in any case of a latent or patent ambiguity or obvious clerical error in any provision of the Hawaii Revised Statutes, reference may be had to the previously existing laws for the purpose of applying the rules of construction relating to repeal by implication or for the purpose of resolving the ambiguity or correcting the error.

SECTION 9. Statutory references in existing laws. References in stat-

utes not repealed to provisions embraced, with or without change, in the Hawaii Revised Statutes shall be construed as applying to such provisions in the Hawaii Revised Statutes.

SECTION 10. Effect of acts. The enactment by section 1 of this Act of the Hawaii Revised Statutes shall not affect or repeal the acts passed at this session of the Legislature, which shall become law prior to the date of the taking effect of the Hawaii Revised Statutes; but all such acts shall have full effect, and so far as these acts vary from or conflict with any provision contained in the Hawaii Revised Statutes, they shall have the effect of subsequent acts and as amending, repealing, or adding to the Hawaii Revised Statutes. For purposes of incorporation into the Hawaii Revised Statutes, all references in the general laws passed at this session of the Legislature to the Revised Laws of Hawaii 1955 or to any other previously existing law shall be deemed to refer to the applicable or corresponding provisions contained in the Hawaii Revised Statutes.

SECTION 11. Printing, binding, and distribution. As authorized by Act 38 of the Session Laws of 1967, the Hawaii Revised Statutes, together with prefix, annotations, footnotes, appendices, tables, and indices, shall be printed and bound in a set of approximately eight volumes. Four thousand sets of the Hawaii Revised Statutes shall be printed, which shall be deposited with the lieutenant governor for distribution by him. The lieutenant governor may furnish copies of the Revised Statutes free of charge to government officials for official use and shall sell copies to other persons at a price to be fixed by him, not exceeding \$50.00 a set. The lieutenant governor may change the sales price when circumstances make such change advisable. All moneys received from the sale of the Hawaii Revised Statutes shall be deposited in the state treasury to the credit of the general fund.

SECTION 12. Correction of errors; formal changes; certification. The revisor of statutes may correct before the publication of the Hawaii Revised Statutes in bound form typographical and grammatical errors, erroneous references to sections, and other mistakes obviously made through oversight or accident and may also make any other purely formal or clerical changes in keeping with the purpose of the revision.

The revisor shall examine the Hawaii Revised Statutes as printed, and if he finds that each section of the manuscript submitted to this Legislature and enacted as law by this Act is correctly reproduced therein with the exception of the changes authorized by this section, the revisor shall furnish the printer a certificate to that effect and such certificate shall be reproduced at the beginning of volume 1 of each printed set.

SECTION 13. Continuance of advisory committee. The Advisory Committee on Statute Revision, appointed under Act 29 of the Session Laws of 1966, is continued until the Hawaii Revised Statutes is printed and published.

SECTION 14. Effective date. This Act shall take effect upon its approval.

(Approved April 30, 1968.)