

ACT 259

S.B. NO. 1962

A Bill for an Act Relating to Hazardous Waste.

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

SECTION 1. Chapter 342J, Hawaii Revised Statutes, is amended by adding two¹ new sections to be appropriately designated and to read as follows:

“§342J- Standards for persons who deal with hazardous waste fuel. The director may establish, by rule, standards applicable to persons who generate, transport, treat, store, dispose, distribute, or market any fuel which is produced from any hazardous waste or from any other material.

§342J- Guarantors. (a) In a case where the owner or operator is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code or where (with reasonable diligence) jurisdiction in any state court cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim arising from conduct for which evidence of financial responsibility must be provided under this chapter or rules adopted pursuant to this chapter may be asserted directly against the guarantor providing evidence of financial responsibility. In the case of any action pursuant to this section, the guarantor shall be entitled to invoke all rights and defenses which would have been available to the owner or operator by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator.

(b) The total liability of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this chapter or rules adopted pursuant to this chapter. Nothing in this section shall be construed to limit any other statutory, contractual or common law liability of a guarantor to its owner or operator including, but not limited to, the liability of the guarantor for bad faith either in negotiations or in failing to negotiate the settlement of any claim. Nothing in this section shall be construed to diminish the liability of any person under chapter 128D or other applicable law.

(c) For the purpose of this section, the term "guarantor" means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this chapter or rules adopted pursuant to this chapter.

§342J- Copy fee waiver. The fee chargeable under section 92-21 may be reduced or waived if the department determines that a waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefitting the general public."

SECTION 2. Chapter 342J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

§342J- Citizens' suits. (a) Except as provided in subsections (b), (c) and (d) of this section, any person may commence a civil action on the person's own behalf:

- (1) Against any person who is alleged to be in violation of any permit, rule, requirement, prohibition, or order which has become effective pursuant to this chapter; or
 - (2) Against any person including any past or present generator, past or present transporter, or past or present owner or operator of a treatment, storage, or disposal facility, who has contributed or who is contributing to the past or present handling, storage, treatment, transportation or disposal of any solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment; or
 - (3) Against the director where there is alleged a failure of the director to perform any act or duty under this chapter which is not discretionary with the director.
- (b) No action may be commenced under subsection (a)(1) of this section:
- (1) Prior to sixty days after the plaintiff has given notice of the violation to:

- (A) The director;
 - (B) To any alleged violator of such permit, rule, requirement, prohibition, or order.
- (2) If the state has commenced and is diligently prosecuting a civil or criminal action in court to require compliance with such permit, rule, requirement, prohibition, or order.
- (c) No action may be commenced under subsection (a)(2) of this section prior to ninety days after the plaintiff has given notice of the endangerment to:
- (1) The director;
 - (2) Any person alleged to have contributed or to be contributing to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste referred to in subsection (a)(2) of this section.
- (d) No action may be commenced under subsection (a)(3) of this section prior to sixty days after the plaintiff has given notice to the director that he will commence such action. Notice under this subsection shall be given in such manner as the director shall prescribe by rule.”

SECTION 3. Section 342J-2, Hawaii Revised Statutes, is amended by amending the definitions of “hazardous waste management facility” and “person” to read:

““Hazardous waste management facility” or “facility” means all contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combinations of them).

“Person” means any individual, partnership, firm, joint stock company, association, public or private corporation, federal agency, the State or any of its political subdivisions, any state and any of its political subdivisions, trust, estate, interstate body, or any other legal entity.”

SECTION 4. Section 342J-2, Hawaii Revised Statutes, is amended by adding the following definitions:

““RCRA” means the Resource Conservation and Recovery Act, as amended, 42 U.S.C. §6901 to 6991i.

“Any state” means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.”

SECTION 5. Section 342J-4, Hawaii Revised Statutes, is amended to read as follows:

“**[§342J-4] Powers; rulemaking; appointment of hearings officers.**
 (a) The director may make, amend, and repeal state rules [controlling, and prohibiting] which govern the management of hazardous waste and which control and prohibit hazardous waste pollution. All rules shall be adopted pursuant to chapter 91. Any person heard at the public hearing shall be given written notice of the action taken by the department with respect to the rules.

(b) In addition to other specific powers provided in this chapter, the director may appoint without regard to chapters 76 and 77, hearings officers to

conduct public participation activities including public hearings and public informational meetings.”

SECTION 6. Section 342J-5, Hawaii Revised Statutes, is amended to read as follows:

“**[[§342J-5]] Permits; procedures for.** (a) An application for any permit required under this chapter shall be in a form prescribed by the director.

(b) The [department] director may require that applications for such permits shall be accompanied by plans, specifications, and such other information as it deems necessary in order for it to determine whether the proposed or existing [installation, alteration, or use] hazardous waste management facility will be in [accord] compliance with applicable rules and standards.

(c) The director shall issue a permit for any term, not exceeding five years, if the director determines that [such will be in the public interest; provided that the permit may be subject to such reasonable conditions as the director may prescribe. The director, on application, shall renew a permit from time to time for a term not exceeding five years if the director determines that such is in the public interest. The director shall not deny an application for the issuance or renewal of a permit without affording the applicant an opportunity for a hearing in accordance with chapter 91.] the applicant and facility have complied with the provisions of this chapter. Each permit shall be reviewed five years after the date of issuance and shall be modified as necessary to assure that the facility and permittee continue to comply with applicable provisions of this chapter. Nothing in this subsection shall preclude the director from reviewing and modifying a permit at any time during its term. Each permit issued under this section shall contain such terms and conditions as the director determines are necessary to protect human health or the environment.

The director[, on the director’s own motion or the application of any person,] may modify, suspend, or revoke any permit if, after affording the permittee an opportunity for a hearing in accordance with chapter 91, the director determines that:

- (1) There is a violation of any term or condition of the permit; [or]
- (2) The permit was obtained by misrepresentation or failure to disclose fully all relevant facts; [or]
- (3) There is a change in any [condition that requires either a temporary or permanent reduction or elimination of the permitted hazardous waste management activity;] circumstance that necessitates a modification, suspension, or revocation of the permit; or
- (4) Such is in the public interest.

[The director shall ensure that the public receives notice of each application for a permit to control hazardous waste pollution.] Public notice shall be given of proposed decisions respecting permit issuance, reissuance, denial, revocation, suspension, substantial modification to a permit requested by a permittee, and modifications to a permit initiated by the director. The director may hold a public hearing before [ruling on an application for a permit to control hazardous waste pollution] issuing a final decision respecting a permit issuance, reissuance, denial, revocation, suspension, request by a permittee to substantially modify a permit, and any modification to a permit initiated by the director if the director determines that such a public hearing [to be] is in the public interest.

[In determining the public interest, the director shall consider the environmental impact of the proposed action, any adverse environmental effects which cannot be avoided should the action be implemented, the alternatives to the

proposed action, the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented, and any other factors which the director may by rule prescribe.]

(d) No applicant for a modification or [renewal] reissuance of a permit shall be held in violation of this chapter during the pendency of the applicant's application so long as the applicant acts consistently and the facility is in compliance with the permit previously granted[, the application and all plans, specifications, and other information submitted as a part thereof].”

SECTION 7. Section 342J-6, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§342J-6]]~~ **[Entry] Furnishing of information and entry and inspection of premises.** [The director, in accordance with law, may enter and inspect any building or place for the purposes of:

- (1) Investigating an actual or suspected source of hazardous waste pollution;
- (2) Monitoring for compliance or noncompliance with this chapter, any rule or standard adopted by the department, any permit, or any other approval granted by the department;
- (3) Conducting reasonable tests;
- (4) Taking samples; or
- (5) Copying records.

No confidential information secured pursuant to this section by any official or employee of the department within the scope and course of the official's or employee's employment in the prevention, control, or abatement of hazardous waste pollution shall be disclosed by the official or employee except as it relates directly to hazardous waste pollution and then, only in connection with the official's or employee's official duties and within the scope and course of the official's or employee's employment.] (a) For purposes of enforcing the provisions of this chapter, any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous waste shall, upon request of any duly authorized representative of the director, furnish information relating to such wastes and permit such representative at all reasonable times to have access to, and to copy all records relating to such wastes.

(b) For purposes of enforcing the provisions of this chapter the authorized representative may:

- (1) Enter at reasonable times any establishment or other place where hazardous wastes are or have been generated, stored, treated, disposed of, or transported from;
- (2) Inspect and obtain samples of any such wastes and samples of any containers or labeling for such wastes, and
- (3) Obtain any other information for purposes of determining compliance with the provisions of this chapter, including financial information.

Each such inspection shall be commenced and completed with reasonable promptness.”

SECTION 8. Section 342J-7, Hawaii Revised Statutes, is amended to read as follows:

“§342J-7 Enforcement. (a) If the director determines that any person has violated or is violating any provisions of this chapter, any rule adopted pursuant to this chapter, or [violating] any term or condition of a permit issued pursuant to this chapter or section 3005 of RCRA, 42 U.S.C §6925, the director may do one or more of the following:

- (1) Shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the alleged violation and may contain an order specifying a reasonable time during which that person shall be required to take such measures as may be necessary to correct the violation and to give periodic progress reports.
- (2) May require that the alleged violator or violators appear before the director for a hearing at a time and place specified in the notice and answer the charges complained of.
- (3) May impose penalties as provided in section 342J-9 by sending a notice in writing, either by certified mail or by personal service, to the alleged violator or violators describing such violation.]
- (1) Issue an order assessing a civil penalty for any past or current violation;
- (2) Require compliance immediately or within a specified time period;
- (3) Commence a civil action in the circuit court in the circuit in which the violation occurred, the person resides, or the principal place of business exists for appropriate relief, including a temporary, preliminary or permanent injunction.

(b) If the director determines that any person is continuing to violate this chapter, any rule adopted pursuant to this chapter, or any condition of a permit issued pursuant to this chapter after having been served notice of violation, the director:

- (1) Shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the alleged violation and shall contain an order requiring that person to submit a written schedule within thirty days specifying the measures to be taken and the time within which such measures shall be taken to bring that person into compliance with the provisions of this chapter, the provisions of any rule adopted pursuant to this chapter, or the conditions of any permit issued pursuant to this chapter.
- (2) Shall accept or modify the submitted schedule within thirty days of receipt of such schedule. Any schedule not acted upon after thirty days of receipt by the director shall be deemed accepted by the director.
- (3) Shall issue to the alleged violator or violators a cease and desist order against the activities that violate this chapter, any rule adopted pursuant to this chapter, or any condition of a permit issued pursuant to this chapter if that person does not submit a written schedule to the director within thirty days. This order shall remain in effect until such time that the director accepts the written schedule.
- (4) May impose penalties as provided in section 342J-9 by sending a notice in writing, either by certified mail or by personal service, to the alleged violator or violators describing such violation.]

(b) Any order issued pursuant to this section may include a suspension, modification, or revocation of any permit issued under section 3005 of RCRA, 42 U.S.C. §6925, by the Administrator of U.S. Environmental Protection Agency or under section 342J-5 by the director, and shall state with reasonable specificity the nature of the violation. Any penalties assessed in the order shall be in

accordance with section 342J-9.

[(c) If the director determines that any person has violated an accepted schedule or an order issued this section, pursuant to the director shall impose penalties by sending a notice in writing, either by certified mail or by personal service, to that person, describing such nonadherence or violation with reasonable particularity.

(d)] (c) Any order issued under this chapter shall become final, unless not later than twenty days after the notice of order is served, the person or persons named therein request in writing a hearing before the director. Any penalty imposed under this chapter shall become due and payable twenty days after the notice of penalty is served unless the person or persons named therein request in writing a hearing before the director. Whenever a hearing is requested on any penalty imposed under this chapter, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part. Upon request for a hearing, the director shall require that the alleged violator or violators appear before the director for a hearing at a time and place specified in the notice and answer the charges complained of.

[(e)] (d) Any hearing conducted under this section shall be conducted as a contested case under chapter 91. If after a hearing held pursuant to this section, the director finds that a violation or violations have occurred, the director shall affirm or modify any penalties imposed or shall modify or affirm the order previously issued or issue an appropriate order or orders for the prevention, abatement, or control of the violation or disposals involved, or for the taking of such other corrective action as may be appropriate. If, after a hearing on an order or penalty contained in a notice, the director finds that no violation has occurred or is occurring, the director shall rescind the order or penalty. Any order issued after hearing may prescribe the date or dates by which the violation or violations shall cease and may prescribe timetables for necessary action in preventing, abating, or controlling the violation or disposals.

[(f)] (e) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the director may institute a civil action in the name of the State to recover the civil penalty which shall be a government realization.

In any proceeding to recover the civil penalty imposed, the director need only show that notice was given, a hearing was held or the time granted for requesting a hearing has run without such a request, the civil penalty was imposed, and that the penalty remains unpaid.

[(g)] (f) In connection with any hearing held pursuant to this section, the director shall have the power to subpoena the attendance of witnesses and the production of evidence on behalf of all parties.”

SECTION 9. Section 342J-8, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Notwithstanding any other law to the contrary, if the director determines that [an imminent peril to the public health and safety is or will be caused by disposal of hazardous waste or any combination of disposals of hazardous waste, which requires immediate action,] the past or present handling, storage, treatment, transportation or disposal of any hazardous waste or hazardous waste constituent may present an imminent and substantial endangerment to health or the environment, the director, with the approval of the governor and without public notice and public hearing, may [order any person causing or contributing to

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the disposal of hazardous waste to immediately reduce or stop such disposal or the director may take any and all other actions as may be necessary.] secure or order such relief as may be necessary to abate such danger or threat. Such order shall fix a place and time, not later than twenty-four hours thereafter, for a hearing to be held before the director. The director may also institute a civil action in any court of competent jurisdiction to secure such relief as may be necessary to abate such danger or threat.”

SECTION 10. Section 342J-9, Hawaii Revised Statutes, is amended to read as follows:

“**§342J-9 Penalties.** (a) Any person who violates this chapter, any rule adopted pursuant to this chapter, or any term or condition of a permit issued pursuant to this chapter shall be fined not more than \$10,000 for each separate offense. Each day of each violation shall constitute a separate offense. Any action taken to impose or collect the penalty provided for in this subsection shall be considered a civil action.

(b) Any person who denies, obstructs, or hampers the entrance and inspection by any duly authorized representative of the director, or fails to provide information requested by such representative under section 342J-6 shall be fined not more than \$10,000 for each separate offense. Each day of each violation shall constitute a separate offense.

[(b)] (c) Any person who knowingly:

- (1) Transports any hazardous waste to a storage, treatment, or disposal facility which does not have a permit pursuant to section 342J-5 to treat, store, or dispose of that particular hazardous waste;
- (2) Treats, stores, or disposes of hazardous waste without first having a permit pursuant to section 342J-5; or
- (3) Makes a false statement or representation in any application, label, manifest, record, report, permit, or other document filed, maintained, or used, for purposes of compliance with this chapter[.];

shall be subject to criminal penalties of not more than \$25,000 for each day of each violation, or imprisonment, not to exceed one year, or both. If the conviction is for a violation committed after a first conviction, criminal punishment shall be by a fine of not more than \$50,000 for each day of each violation, or by imprisonment for not more than two years, or both.

[(c) Any person who denies, obstructs, or hampers the entrance and inspection by any duly authorized officer or employee of the department of any building, place, or vehicle which the officer or employee is authorized to enter and inspect shall be fined not more than \$10,000 for each separate offense. Any action taken to impose or collect the penalty provided for in this subsection shall be considered a civil action.]”

SECTION 11. Section 342J-11, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§342J-11]]~~ **Injunctive relief.** The director may institute a civil action in any court of competent jurisdiction for injunctive relief to:

- (1) Address any release of hazardous waste or any hazardous waste constituent pursuant to section 342J-36; and
- (2) [prevent] Prevent any violation of any provision of this chapter, any rule adopted pursuant to this chapter, or any term or condition of a

permit [or variance] adopted pursuant to this chapter, without the necessity of a prior revocation of the permit [or variance]. The court shall have power to grant relief in accordance with the Hawaii rules of civil procedure.”

SECTION 12. Section 342J-14, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§342J-14]]~~ **Public records; confidential information; penalties.** [Reports submitted to the department hazardous waste management shall be made available for inspection by the public during established office hours unless such reports, contain information of a confidential nature concerning secret processes or methods of manufacture. Any officer, employee, or agent of the department acquiring confidential information from the inspection authorized by section 342J-6 who divulges information except as authorized in this chapter or except as ordered by a court or at an administrative hearing regarding an alleged violation of this chapter or by any rule or standard adopted pursuant to this chapter shall be fined not more than \$1,000.] (a) For purposes of this chapter, chapter 92F applies to the determination of the types of information that should be made available to members of the public provided that any information that would be required to be disclosed under RCRA and the federal Freedom of Information Act, 5 U.S.C. §552, if these Acts were applicable, shall be open to the public notwithstanding any provisions to the contrary in chapter 92F. The legislature declares that disclosure of such information which RCRA and the federal Freedom of Information Act require to be disclosed for purposes of this chapter does not constitute an unwarranted invasion of privacy.

(b) Information concerning secret processes or methods of manufacture maintained by an agency pursuant to this chapter shall not be disclosed to the public unless disclosure of such information would be required under applicable provisions of RCRA, 42 U.S.C., §6901 to 6991i and the federal Freedom of Information Act, 5 U.S.C. §552.

(c) For purposes of this chapter, the department may adopt rules pertaining to both substantive and procedural aspects of information practices which are consistent with RCRA and the federal Freedom of Information Act. These rules shall govern information practices concerning all records maintained by any agency pursuant to this chapter or RCRA and shall supersede any inconsistent rules promulgated pursuant to chapter 92F.”

SECTION 13. Section 342J-16, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§342J-16]]~~ **Intervention.** [Subject to the approval of the court, any] Any individual shall have the right to intervene in any civil action to enforce the provisions of this chapter provided the individual has an interest which is, or may be, adversely affected.”

SECTION 14. Section 342J-30, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§342J-30]]~~ **Prohibition.** (a) No person, including any federal agency, the State, or any of its political subdivisions, shall own, operate, or construct a hazardous waste management facility without first securing a permit issued by the director. In addition, no person shall treat, store or dispose of hazardous waste at

an unpermitted hazardous waste management facility, unless otherwise permitted by law.

(b) Any person who:

- (1) Owns or operates a facility required to have a permit under section 342J-30 which was in existence on November 19, 1980, or is in existence on the effective date of statutory or regulatory changes under this chapter that render the facility subject to the requirement to have a permit under this section;
- (2) Has complied with the requirements of section 3010(a) of RCRA, 42 U.S.C. section 6930(a); and
- (3) Has made an application for a permit under section 3005 of RCRA, 42 U.S.C. §6925, or section 342J-5 shall be treated as having been issued such permit until such time as final administrative disposition of such application has been made unless the director proves that final administrative disposition of such application has not been made because of the failure of the applicant to furnish information reasonably required or requested in order to process that application. Such facilities shall be deemed to have interim status. This paragraph shall not apply to any facility which has been previously denied a permit under section 3005 of RCRA, 42 U.S.C. §6925 or section 342J-5 or if authority to operate the facility under section 3005 of RCRA, 42 U.S.C. §6925 or this section has been previously terminated.

(c) The director shall have the authority to publish schedules for the submission of permit applications and other information reasonably required and or requested in order to process that application. Failure to comply with such schedules shall be a basis for automatic termination of interim status.”

SECTION 15. Section 342J-36, Hawaii Revised Statutes, is amended to read as follows:

“§342J-36 Hazardous waste releases. (a) [The director may issue an order requiring the owner or operator of a hazardous waste management facility or site to monitor, test, analyze, and report, with respect to a site, in order to ascertain the nature and extent of any release of hazardous waste or hazardous waste constituent.

(b) Any person to whom the order is issued may be required to submit to the director within thirty days a proposal for carrying out the required monitoring, testing, analysis, and reporting.

(c) If the director determines that the owner or operator is not able to conduct monitoring, testing, and analysis in a satisfactory manner, the director may dictate the conduct of such activity, the cost of which shall remain the responsibility of the owner or operator.

(d) Whenever the director determines that there is or has been a release of hazardous waste or hazardous waste constituent into the environment from a hazardous waste management facility or site, the director may issue an order requiring corrective action to protect human health or environment, or the director may commence a civil action for appropriate relief, including a temporary or permanent injunction.] Whenever the director determines that there has been a release of hazardous waste or of a hazardous waste constituent into the environment from a facility handling hazardous wastes, the director may:

- (1) Require the facility or site to undertake corrective action or such other response action as the director deems necessary to protect

human health or the environment; and

- (2) Require that corrective action be taken beyond the facility boundary where necessary to protect human health or the environment unless the owner or operator of the facility concerned demonstrates to the satisfaction of the director that, despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action.

(b) Whenever the director determines that there is or has been a release of hazardous waste or of a hazardous waste constituent into the environment from a hazardous waste management facility or site, the director may issue an order requiring corrective action to protect human health or the environment, or the director may commence a civil action for appropriate relief, including a temporary, preliminary, or permanent injunction. For purposes of enforcement, failure to comply with an order issued pursuant to this chapter shall constitute a violation of a requirement of this chapter.

(c) Any person to whom the order is issued may be required to submit to the director within thirty days a proposal for carrying out the required monitoring, testing, analysis, and reporting.

(d) If the director determines that the owner or operator is not able to conduct corrective action in a satisfactory manner, the director may dictate the conduct of such activity, the cost of which shall remain the responsibility of the owner or operator.

(e) Each permit issued by the director under this chapter shall require corrective action for all releases of hazardous waste or any hazardous waste constituent into the environment from the facility seeking the permit. Permits may contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit), and shall contain assurances of financial responsibility for completing such corrective action.

(f) If the action that results in a release otherwise constitutes a violation of this chapter, nothing in this section shall be construed to preclude the director from taking appropriate action under other provisions of this chapter.

(g) Public notice shall be given for proposed decisions on a final remedy."

SECTION 16. Amendment of conflicting laws. All laws and parts of laws heretofore enacted which are in conflict with the provisions of this Act are hereby amended to conform herewith. All Acts passed during this Regular Session of 1991, whether enacted before or after the passage of this Act, shall be amended to conform to this Act, unless such Acts specifically provide that the Act relating to a "department of the environment" is being amended. Amendments made to sections of the Hawaii Revised Statutes that are amended by this Act as of a future effective date shall include amendments made after the approval of this Act and before the effective date of the amendments made by this Act, to the extent that the intervening amendments may be harmonized with the amendments made by this Act.

SECTION 17. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION 18. Statutory material to be repealed is bracketed. New statutory material is underscored.²

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SECTION 19. This Act shall take effect upon its approval; provided that SECTION 2 of this Act shall be repealed on December 31, 1996.

(Approved June 12, 1991.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.