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S.B. NO. 872

A Bill for an Act Relating to a Section of the Hawaii Revised Statutes Amended by Act 221, Session Laws of Hawaii 1994.

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

SECTION 1. The purpose of this Act is to resolve uncertainties in the law relating to a certain statutory provision subject to automatic repeal by operation of law.

Section 40-68, Hawaii Revised Statutes (HRS), as amended by section 1 of Act 221, Session Laws of Hawaii 1994, is repealed by section 4 of that Act on July 1, 1996 and reenacted in the form in which it read “prior to this Act”. “Prior to this Act” could mean either:

- (1) The day before the effective date of section 1 of the Act (amending section 40-68)—June 29, 1994; or
- (2) The day before the effective date of the Act—June 30, 1994.

The legislature finds that the intent of Act 221 was to make the amendments to section 40-68 temporary. However, if the reenactment date in section 4 of Act 221 is construed to mean June 30, 1994, the result is that the amendments to section

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40-68 will be permanent, since the amendments to 40-68 made by Act 221 take effect on June 30, 1994.

If, on the other hand, the reenactment date is construed to mean the day before the effective date of section 1 of the Act, or June 29, 1994, the amendments to section 40-68 will be repealed on July 1, 1996 and reenacted in the form in which it read on the day before the amendments to section 40-68 took effect.

To resolve this uncertainty, this Act amends section 4 of Act 221 to specify that section 40-68, HRS, will be reenacted in the form in which it read on the day before the effective date of section 1 of the Act, or June 29, 1994.

SECTION 2. Act 221, Session Laws of Hawaii 1994, is amended by amending section 4 to read as follows:

“SECTION 4. This Act shall take effect on July 1, 1994; provided that section 1 shall take effect on June 30, 1994; and provided further that on July 1, 1996, section 1 of this Act shall be repealed and section 40-68, Hawaii Revised Statutes, shall be reenacted in the form in which it read [prior to this Act.] on June 29, 1994.”

SECTION 3. This Act shall be amended to conform to all other acts passed by the legislature during this regular session of 1995, whether enacted before or after the effective date of this Act, unless the other acts specifically provide otherwise.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved April 25, 1995.)