Researching Temporary Legislation in Hawaii (Laws not Codified)

Outline

1. What are temporary laws and why aren’t they codified?
2. Where to find temporary laws.
3. How to know they weren’t codified.
4. Research strategies for temporary law research.

Temporary laws, also called temporary legislation, govern for a limited time while permanent laws or legislation govern perpetually. What laws are considered temporary? In the Hawai‘i Session Laws of 1966, Act 29, § 9, the categories of laws that the Revisor of Statutes can omit from the codified statutes are laid out. They are:

(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 effect is that temporary laws are not included in the Hawai‘i Revised Statutes, the codified statutes. This includes budgets, appropriations, legislation with sunset clauses, repealed laws, sections of laws that indicate the purpose, sections that transfer personnel or functions from one office to another, and others. Act 29 itself is an example of a law not codified in 1966.

These laws can only be located through the Session Laws, so the task can be rather tedious. A researcher who doesn’t know the exact year will need to start by bracketing a time period of a few years and begin by looking in the Session Laws’ index for the law. Once found, the researcher can then go to the Hawai‘i Revised Statutes and the Tables of Disposition. This is a pamphlet or supplemental volume found at the end of the official Hawai‘i Revised Statutes; or in the Tables volume of Michie’s Hawai‘i Revised Statutes. It is not found in West’s Hawai‘i Revised Statutes.

Table 2 of the Tables of Disposition contains a list of where the session laws were codified by act and section beginning with the Session Laws of 1955 to the current year. Wherever you find an “O” in this table, it means that the legislation was not included in the code.

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