HAWAII
ADMINISTRATIVE RULES
DIRECTORY

2001 Cumulative Edition

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FOREWORD


Caveat: This Directory contains no references to rules that have not been converted to the Hawaii Administrative Rules format, or that are exempt from the Hawaii Administrative Procedure Act.

This publication was made possible to a substantial degree by the exhaustive efforts of various student employees of the Bureau who worked diligently on previous editions of the Directory. They are Mr. Willis Oshiro and Mr. Richard Lightner (1988 cumulative edition), Mr. Paul M. Saito (1989 supplement), Mr. Thomas S. Brennan (1990 supplement), Ms. Cynthia T. Tai (1991 cumulative edition), Ms. Jodi Kimura and Ms. Carlotta Diaz (1993 supplement), Ms. Lynn K. Kashiwabara (1994 supplement), Ms. Allison S.Y. Chang and Ms. Cathleen S. Chang (1995 cumulative edition), Mr. Eric Tashima (1996 supplement), Mr. Joseph Kernan (1997 supplement), and the staff of the Bureau's Systems Office. They served under the able direction and guidance of Assistant Director for Research Ken H. Takayama.

The Bureau also extends its sincere appreciation to Dr. Maria Chun of the Office of the Lieutenant Governor for her assistance.

Wendell K. Kimura
Acting Director

September 2001
FACT SHEET

Hawaii Administrative Rules Directory
2001 Cumulative Edition

I. Highlights

This publication is a new cumulative edition of the Hawaii Administrative Rules Directory. It replaces the 1995 Cumulative Edition and all Supplements published from 1996 to 2000. The directory is a compilation of all of the section numbers and section headings of state administrative agency rules adopted in the Hawaii Administrative Rules format (the uniform format for all state agency rules). The directory thus serves as a detailed table of contents of the State’s administrative rules.

Users who access this publication at the Legislative Reference Bureau’s website www.state.hi.us/lrb/ (and clicking on to “lrb reports” and then "administrative rules directories and tables") will also have direct links to agency rules on the web.

II. Frequently Asked Questions

1. Does this Directory list all state agency rules?

   Answer: No. This directory lists only those rules that conform to the uniform format for state agency rules mandated by section 91-4.2, Hawaii Revised Statutes. A small number of rules may not have fully complied with this requirement. Further, an unknown number of state agency rules exist that are completely exempt from the requirements of the Hawaii Administrative Procedure Act (chapter 91, HRS).

2. Does the 2001 Cumulative Edition of the Directory indicate whether rules sections have been amended since any particular point in time?

   Answer: No. The Directory is intended to serve as a table of contents for the State's administrative rules as they existed as of a particular point in time -- that is all. It does not purport to track the history of the respective rule sections. Historical information relating to each rule section is contained in the notes to that section.

3. Does this edition of the rules directory contain a Table of Statutory Sections Implemented?

   Answer: No. For this year, the table is being published as a separate publication. The table provides a means of finding whether rules exist that implement or interpret sections of the state statutes.
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INTRODUCTION


I. Background

Section 91-5, Hawaii Revised Statutes, required state agencies to publish their rules by June 21, 1981, in the format for administrative rules prescribed by the revisor of statutes. The purpose of the legislation which enacted this requirement was to replace the multiplicity of agency rule formats with a single uniform format for all state agency rules. Some rules may not have fully complied with this requirement. Other agency rules are completely exempt from the Hawaii Administrative Procedure Act (chapter 91, HRS). Accordingly, this directory includes only those rules filed with the lieutenant governor in the Hawaii Administrative Rules format.

II. Numbering System

The Hawaii Administrative Rules format prescribed by the revisor of statutes is substantially similar to the format used in the Hawaii Revised Statutes. Among other things, the format brings all agency rules adopted pursuant to the Hawaii Administrative Procedure Act into a single numbering system. The numbering system consists of a series of titles, with each title divided into chapters, and each chapter divided into sections. A title includes all of the rules of a particular department, and all other agencies attached to that department for administrative purposes.

III. Table of Sections Implemented

The table of sections implemented provides a means of finding whether rules exist which implement or interpret sections of the state statutes. This year, the table is published as a separate publication.

IV. Directory

The purpose of this administrative rules directory is to serve as a functional equivalent of a detailed table of contents. The directory is organized as follows:

(1) With the exception of the offices of the governor and lieutenant governor (which are listed first), legislative agencies, the judiciary, and the department of public safety (which are listed as titles 21, 22, and 23, respectively), the title numbers correspond to the listing in alphabetical order of the state departments as they existed in 1982. Departmental name changes which have occurred since that time
have resulted in the departments of business, economic development, and tourism, commerce and consumer affairs, human resources development, and human services being out of order alphabetically.

(2) Each title begins with a title “analysis”—a listing, in numerical order, of all of the subtitles and parts (if any) and chapters contained within that title, and their respective headings.

(3) Each title analysis is followed in turn by chapter analyses of each chapter contained in that title. A chapter analysis is a listing of all of the subchapter (if any) and section numbers and headings of the sections contained within that chapter.

Users must keep in mind that each title contains all of the rules of a particular department as well as the administrative agencies assigned by law to that department for administrative purposes. To assist users in finding the location of rules of particular agencies, a listing of selected agencies and the title in which their rules are located is included at the end of this introduction.

A person viewing a copy of the actual rules will find three informational notes listed at the end of each section. The source note (material in brackets) gives historical information concerning that particular section. Abbreviations include “Eff” (date section originally became effective), “am” (date section was amended), “ren” (renumbered), “comp” (compiled—merging in amendments and other changes to notes without modifying text of section), and “R” (repealed). Citations of authority (material in parentheses beginning with “Auth:”) indicate the state statutes, federal statutes, or federal rules which the adopting agency claims authorized the adoption of that particular section. The list of sections implemented (material in parentheses beginning with “Imp:”) indicate the state statutes, federal statutes, federal rules, or other laws which the adopting agency claims the particular section to be implementing or interpreting.

Questions concerning the Directory or the Table may be addressed to Ken Takayama, Legislative Reference Bureau, State Capitol, Room 446, Honolulu, Hawaii 96813, phone 587-0666, fax 587-0681, e-mail takayama@capitol.hawaii.gov.

V. Citation

Rules may be cited as follows:

(1) When referring to a particular section:

(Section number), Hawaii Administrative Rules (agency name)

For example: 16-30-10, Hawaii Administrative Rules (Department of Commerce and Consumer Affairs)
(2) When referring to a chapter:

Chapter (title and chapter number), Hawaii Administrative Rules (agency name)

*For example:* Chapter 16-30, Hawaii Administrative Rules (Department of Commerce and Consumer Affairs)

### VI. Copies of Rules

The difference between a uniform format for rules and a codification (such as the Code of Federal Regulations) is that only in codifications is there central control over publication. Under the uniform format system adopted by the legislature, each agency retains almost complete control over its own rulemaking proceedings. While a collection of a number of state agency rules published in the uniform format might take on the appearance of a code, no such code exists. Accordingly, copies of agency rules must be obtained from the respective agencies. Persons seeking to establish collections of rules are advised to specifically request copies of rules in the “official” format (*i.e.*, on 8-1/2 x 11 inch paper, an exact replica of rules as filed with lieutenant governor). Agencies have been authorized to issue “unofficial” versions of rules which may differ from copies on file with the lieutenant governor in size of paper used, typesetting, the inclusion of relevant statutes or other materials, or any number of other modifications (although the actual text of the rules should not be modified in any way). All copies of rules distributed in other than the official format should be clearly marked “unofficial.”

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The mailing addresses of the persons on this list are the same as the distribution coordinators for the same department on the previous list.
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