

# **HAWAII ADMINISTRATIVE RULES 2001 TABLE OF STATUTORY SECTIONS IMPLEMENTED**

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## FOREWORD

This edition of the Hawaii Administrative Rules Table of Statutory Sections Implemented includes all of the rules of Hawaii state government agencies filed with the Office of the Lieutenant Governor in the Hawaii Administrative Rules format prior to May 1, 2001. All prior versions of the Table are superseded.

*Caveat:* This table 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 2001 Table of Statutory Sections Implemented

#### I. Highlights

This publication is a new table of statutory sections implemented of the Hawaii Administrative Rules Directory. It replaces all prior versions of this table whether published separately from or in conjunction with the Hawaii Administrative Rules Directory.

The purpose of this table is to enable users to tell at a glance whether state agencies have adopted rules that purport to implement or interpret statutory sections. On any given page of the table, the rule sections in the right hand column (those containing three sets of numbers) are the rules that the adopting agency or agencies claim either implement or interpret the corresponding statutory sections listed in the left hand column.

Users of this publication can access electronic versions of the State's administrative agency rules at <http://swat.state.hi.us/VRC.htm>.

Users who access the Hawaii Administrative Rules Directory at the Legislative Reference Bureau's website [www.state.hi.us/lrb/](http://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 table list **all** state agency rules?*

**Answer:** No.

- (a) This table 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 which are completely exempt from the requirements of the Hawaii Administrative Procedure Act (chapter 91, HRS) are not included; and
- (b) Not all rule sections claim to implement or interpret statutory provisions. The implementation notes on a few sections state "(Imp: None)". As these rule sections have no corresponding statutory section to implement or interpret, they are not included in this table.

2. *Can it be stated with certainty that the rule sections listed in the table are **all** of the rules that implement or interpret the particular statutory section?*

**Answer:** No. The table only lists the rules that the agencies claim as implementing or interpreting each particular statutory provision.

3. *Is the information in this table taken from material located within or near the respective rule sections?*

**Answer:** Yes. Each rule section contains three sets of notes following the end of the text of that section. The third and final set of these notes is shown as "(Imp: )". Any statutory sections listed in those parentheses are the statutory provisions that the adopting agency claims are either implemented or interpreted by the particular rule section. What this table does is organize the materials from all of those notes in all of those rule sections according to statutory section number.

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

**Answer:** No. For this year, the table is being published as a separate publication. For the current edition of the rules directory (a detailed table of contents listing the section numbers and section headings of all rules) see the Hawaii Administrative Rules Directory, 2001 cumulative edition.

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## **INTRODUCTION**

This publication displays in tabular form administrative agency rules that implement or interpret specific statutory provisions. Users of this publication will be able to tell at a glance whether any rules implementing a particular statutory section are on file with the Office of the Lieutenant Governor, and, if so, which state department adopted them. This publication replaces all of the Tables of Statutory Sections Implemented published concurrently with the 1995 cumulative edition and subsequent supplements of the Hawaii Administrative Rules Directory.

### **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 lists only those rules filed with the lieutenant governor in the Hawaii Administrative Rules format before May 1, 2001.

### **II. Table of Statutory Sections Implemented**

The table of statutory sections implemented provides a means of finding whether rules exist which implement or interpret sections of the state statutes. The table should be used subject to the following cautionary instructions:

- (1) Rule listings are only to rules that have been converted to the Hawaii Administrative Rules format. This does not preclude the existence of other rules interpreting the same section that have not been converted.
- (2) Whether or not a particular rule section is said to implement or interpret a particular statutory section is a determination made solely by the administrative agency that adopted the rule.

### **III. 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. Each agency rule section consists of three (sometimes four) sets of numbers. The first

number, the title number, indicates the state department that adopted the rule section, as indicated below:

- Title 1 Office of the Governor
- 2 Office of the Lieutenant Governor
- 3 Department of Accounting and General Services
- 4 Department of Agriculture
- 5 Department of the Attorney General
- 6 Department of Budget and Finance
- 7 Department of Defense
- 8 Department of Education
- 9 Office of Hawaiian Affairs
- 10 Department of Hawaiian Home Lands
- 11 Department of Health
- 12 Department of Labor and Industrial Relations
- 13 Department of Land and Natural Resources
- 14 Department of Human Resources Development
- 15 Department of Business, Economic Development, and Tourism
- 16 Department of Commerce and Consumer Affairs
- 17 Department of Human Services
- 18 Department of Taxation
- 19 Department of Transportation
- 20 University of Hawaii
- 21 Legislative Agencies
- 22 Judiciary
- 23 Department of Public Safety

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.



#### **IV. Hawaii Administrative Rules Directory**

The purpose of the Hawaii Administrative Rules Directory is to serve as a functional equivalent of a detailed table of contents of all current state agency rules on file with the lieutenant governor that have been adopted in the Hawaii Administrative Rules format. The Directory is published as a separate publication.

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."

Persons to be contacted for copies of rules are as follows:

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Judiciary

## VII. Rulemaking Proceedings

The following persons have been designated by their respective departmental directors as the individuals to whom questions concerning the status of proposed new rules, or proposed amendments to or the repeal of existing rules may be addressed:

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Judiciary

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

## SELECTED AGENCIES ATTACHED TO DEPARTMENTS

	<u>Title</u>
Acupuncture, Board of.....	16
Aloha Tower Development Corporation.....	15
Architects, see Professional Engineers	
Audiology, see Speech Pathology	
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Detectives, see Private Detectives and Guards	
Disability and Communication Access Board.....	11
Drug Product Selection Board .....	11
Elections Officer, Chief.....	2
Electricians and Plumbers, Board of.....	16
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Engineers, see Professional Engineers	
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Hawaii Public Broadcasting Authority.....	16
Hawaii Public Employees Health Fund.....	6
Hawaii Strategic Development Corporation.....	15
Hawaii Tourism Authority.....	15
Hawaiian Home Lands Trust Claim Review Panel.....	16
High Technology Development Corporation.....	15
Housing and Community Development Corporation.....	15



	<u>Title</u>
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Kahoolawe Island Reserve Commission .....	13
Labor and Industrial Relations Appeals Board.....	12
Land Use Commission, State .....	15
Landscape Architects, see Professional Engineers	
Library System.....	8
Massage, Board of.....	16
Medical Examiners, Board of .....	16
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Speech Pathology and Audiology, Board of.....	16
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**TABLE OF THE HAWAII REVISED STATUTES SECTIONS  
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(May 1, 2001)**

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\* Probably should be 127-9.

[R] means HRS section is repealed.

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[R] means HRS section is repealed.

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\* Probably should be 444-4.

† Probably should be 359-34.

[R] means HRS section is repealed.



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[R] means HRS section is repealed.

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[R] means HRS section is repealed.

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[R] means HRS section is repealed.

\* No such HRS section.

† Probably should be 351-68.



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\* Probably should be 356-35.

[R] means HRS section is repealed.

† Probably should be 359-34.

‡ No such HRS section.

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[R] means HRS section is repealed.

\* No such HRS section.

† No such HRS section.

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\* Probably should be 484-10.

[R] means HRS section is repealed.



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[R] means HRS section is repealed.

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Act 10	2-14.1-11	Act 164	11-281-27, 33
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Act 161	20-6-1 to 6, 12, 13		
Act 235 §1	15-15-52, 55, 55.1		
	<b>1996</b>		
Act 237	20-6-1 to 6, 12, 13		
Act 250 §2	18-231-3.4-01		

The following administrative rules purport to implement statutes that are either erroneously specified or nonexistent:

Admin. Rules Section(s)	Section	Admin. Rules Section(s)	Section
4-60-13	157.31 <sup>a</sup>	16-77-52	44-4 <sup>m</sup>
4-70-8	150-5 <sup>b</sup>	16-98-21	465-11.5 <sup>n</sup>
		16-104-1	454-10 <sup>o</sup>
8-39-10	27-9 <sup>c</sup>	17-526-12	359-58 <sup>p</sup>
8-400-20	296-6-49 <sup>d</sup>	17-526-21 to 23	359-56 <sup>q</sup>
11-22-5	441-195	17-535-06	356.35 <sup>r</sup>
11-150-01	323-51 <sup>e</sup>	17-535-31	59-34 <sup>s</sup>
11-451-1	128D-24 <sup>f</sup>	17-535-34	359.34 <sup>t</sup>
		17-896-2	SLH 1986
12-26-3 to 9	378-24 <sup>g</sup>	18-231-25.6-01	231-25.6 <sup>u</sup>
12-26-10 to 16	378-25 <sup>h</sup>	18-235-5.5	235.5 <sup>v</sup>
12-26-21 to 23	378-22.1 <sup>i</sup>		
12-42-36	89-70 <sup>j</sup>	19-127-1.9 <sup>w</sup>	286-8
13-16-10	Rule 901	19-137-9	296-246 <sup>x</sup>
	Rule 902	19-150-1 to 14	HSL 1992 <sup>y</sup> Act 46
14-1-15	92-57 <sup>k</sup>		
15-173-20	30-53 <sup>l</sup>	20-30-6	305A-A <sup>z</sup>
16-19-1	431:7-	23-604-4	351-38 <sup>aa</sup>
		23-604-10	351-29 <sup>bb</sup>

- a. Probably should be 157-31.
- b. Probably should be 150A-5.
- c. Probably should be 127-9.
- d. Probably should be 296-49.
- e. Probably should be 323-5.1.
- f. No such HRS section.
- g. No such HRS section.
- h. No such HRS section.
- i. No such HRS section.
- j. Probably should be 89-7.
- k. No such HRS section.
- l. Probably should be 39-53.
- m. Probably should be 444-4.
- n. No such HRS section.

- o. Probably should be 484-10.
- p. No such HRS section.
- q. No such HRS section.
- r. Probably should be 356-35.
- s. Probably should be 359-34.
- t. Probably should be 359-34.
- u. Probably should be 231-25.5.
- v. Probably should be 235-5.
- w. Probably should be 19-127.1-9.
- x. Probably should be 286-246.
- y. Probably should be SLH.
- z. Probably should be 305A-3.
- aa. Probably should be 351-68.
- bb. No such HRS section.