

HAWAII ADMINISTRATIVE RULES DIRECTORY

2001 Cumulative Edition

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FOREWORD

This edition of the Hawaii Administrative Rules Directory is a cumulative listing of 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. Prior versions of the Directory published in 1981, 1982, 1988, 1991, and the 1995 cumulative edition, and supplements published in 1989, 1990, 1993, 1994, and 1996 to 2000 are superseded. Copies of the Directory covering the period September 1, 1982 to August 31, 1983 should be retained for the Table of Disposition.

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

This publication replaces the 1995 Cumulative Edition of the Hawaii Administrative Rules Directory and Supplements published from 1996 to 2000.

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.”

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

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Office of the Lieutenant Governor

Harriet Leong
Kalanimoku Building
1151 Punchbowl Street
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General Services

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Department of Budget and Finance

Debra Miyashiro
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Department of Business, Economic
Development, and Tourism

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Department of Commerce and
Consumer Affairs

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State Ethics Commission

Susan Gochros
Staff Attorney
Ali'iolani Hale, Rm. 209
417 South King Street
Honolulu, HI 96813
Phone: 539-4990
Email: None

Judiciary

VI. 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:

Eric Uchihara Phone: 586-0081 Email: eric_h_uchihara@exec.state.hi.us	Office of the Governor
Dr. Maria B. Chun SWAT Director Phone: 586-0238 Email: maria_chun@exec.state.hi.us	Office of the Lieutenant Governor
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Benjamin Henderson Phone: 586-3801 Email: None	Department of Hawaiian Home Lands
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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
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Architects, see Professional Engineers	
Audiology, see Speech Pathology	
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Chief Election Officer.....	2
Child Support Enforcement Agency	5
Chiropractic Examiners, Board of.....	16
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Civil Service Commission, State.....	14
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Cosmetology, Board of Barbering and.....	16
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Employees' Retirement System.....	6
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Ethics Commission.....	21
Fire Council, State	12
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Hawaii Historic Places Review Board.....	13
Hawaii Housing Authority, see Housing and Community Development Corporation.....	15
Hawaii Labor Relations Board.....	12
Hawaii Paroling Authority.....	23
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
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Labor and Industrial Relations Appeals Board.....	12
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Certification Board	11
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TITLE 1

OFFICE OF THE GOVERNOR

<http://swat.state.hi.us/govrules/GovernorRules.htm>

<http://www.gov@gov.state.hi.us/>

Subtitle 1 Office of State Planning
Chapter
1 Repealed
2 Repealed

Subtitle 2 Executive Office on Aging
Chapter
3 Repealed
4 Repealed

- - -

Subtitle 1 Office of State Planning

**Chapter 1
The Hawaii State Plan Policy Council
Rules of Practice and Procedure**

REPEALED

**Chapter 2
Rules Governing Special Management
Areas and Shoreline Areas Within
Community Development Districts and
Practice and Procedures Before the Office
of State Planning**

REPEALED

Subtitle 2 Executive Office on Aging

**Chapter 3
Long-Term Care Service
Development Fund**

REPEALED

**Chapter 4
Renovation and Conversion of
Existing Facilities for Long-Term
Care Programs**

REPEALED

TITLE 2

OFFICE OF THE LIEUTENANT GOVERNOR

http://swat.state.hi.us/VRC.htm

- Subtitle 1 Administration
- Chapter
 - 1 Rulemaking, Declaratory Rulings and Public Records and Information
 - 2 Change of Name
 - 5 to 9 Repealed
 - 14 Repealed
 - 14.1 Election Campaign Contributions and Expenditures
 - 14.2 Administrative Practice and Procedure Before the Campaign Spending Commission

- Subtitle 3 Boards and Commissions
- Chapter
 - 24 to 29 Repealed

- Subtitle 4 Elections
- Chapter
 - 34 Repealed
 - 35 Voting Systems
 - 36 to 38 Repealed
 - 40 Repealed
 - 50 Adoption, Amendment, or Repeal of Rules by Chief Election Officer
 - 51 Voting
 - 52 Primary Elections
 - 53 Absentee Voting Procedures
 - 54 Voting Systems

- Subtitle 7 Office of Information Practices
- Chapter
 - 71 Agency Procedures and Fees for Processing Government Record Requests

- - -

Subtitle 1 Administration

**Chapter 1
Rulemaking, Declaratory Rulings and
Public Records and Information**

- §2-1-1 Definitions
- §2-1-2 Office
- §2-1-3 Public records and information
- §2-1-4 Petition for adoption, amendment or repeal of rules
- §2-1-5 Public hearing for adoption, amendment or repeal of rules
- §2-1-6 Petition for declaratory rulings

**Chapter 2
Change of Name**

- §2-2-1 Definitions
- §2-2-2 Petition for change of name
- §2-2-3 Consent to change of name of minor and form of consent
- §2-2-4 Order of change of name
- §2-2-5 Procedure following approval by the lieutenant governor
- §2-2-5.1 Nonacceptance of petition for processing
- §2-2-6 Procedure following denial by the lieutenant governor
- §2-2-6.1 Confidentiality of records and hearing
- §2-2-7 Filing fee

**Chapter 5
General Provisions**

REPEALED

<p>Chapter 6 Voting Systems</p> <p>REPEALED</p>	<p>§2-14.1-12</p> <p>§2-14.1-13</p> <p>§2-14.1-14</p> <p>§2-14.1-15</p>	<p>Excess; residual; surplus contributions</p> <p>Loans to candidates or committees</p> <p>Expenditures</p> <p>Expenditures for personal expenses</p>
<p>Chapter 7 Absentee Voting</p> <p>REPEALED</p>	<p>§2-14.1-16</p> <p>§2-14.1-17</p> <p>§2-14.1-18</p>	<p>Authorized campaign expenditures; unauthorized campaign expenditures</p> <p>Mixed benefit to the candidate</p> <p>Fundraising expenditures waived</p>
<p>Chapter 8 Challenge by Voters</p> <p>REPEALED</p>	<p>§2-14.1-19</p> <p>§2-14.1-20</p> <p>§2-14.1-21</p>	<p>Application for public funds</p> <p>Authorized campaign expenses of public funds</p> <p>Voluntary campaign expenditure limitation withdrawal</p>
<p>Chapter 9 Adoption, Amendment, or Repeal of Rules</p> <p>REPEALED</p>	<p>§2-14.1-22</p> <p>§2-14.1-23</p> <p>§2-14.1-24</p> <p>§2-14.1-25</p>	<p>Termination of candidacy</p> <p>House bulletins</p> <p>Legislative newsletters, reports, surveys, and polls</p> <p>Code endorsement by candidates</p>
<p>Chapter 14 Campaign Spending Commission Rules</p> <p>REPEALED</p>	<p>§2-14.1-26</p> <p>§2-14.1-27</p> <p>§2-14.1-28</p> <p>§2-14.1-29</p>	<p>Complaints of violations; administrative fines; referral</p> <p>Determination of complaint; summary dismissal</p> <p>Determination of complaint; investigation</p> <p>Determination of complaint; preliminary determination of probable cause</p>
<p>Chapter 14.1 Election Campaign Contributions and Expenditures</p> <p>§2-14.1-1 Purpose and scope</p> <p>§2-14.1-2 Definitions</p> <p>§2-14.1-3 Committee reports</p> <p>§2-14.1-4 Registration</p> <p>§2-14.1-5 Reporting deadline</p> <p>§2-14.1-6 Recordkeeping</p> <p>§2-14.1-7 Contributions; timely reporting</p> <p>§2-14.1-8 Contributions; limits for persons</p> <p>§2-14.1-9 Contributions by political parties</p> <p>§2-14.1-10 Contribution limits for special election held to fill vacancy</p> <p>§2-14.1-11 Contributions by state or county contractors</p>	<p>§2-14.2-1</p> <p>§2-14.2-2</p> <p>§2-14.2-3</p> <p>§2-14.2-4</p> <p>§2-14.2-5</p> <p>§2-14.2-6</p>	<p style="text-align: center;">Chapter 14.2 Administrative Practice and Procedure Before the Campaign Spending Commission</p> <p style="text-align: center;">Subchapter 1 General Provisions</p> <p>Purpose, scope, and construction</p> <p>Definitions</p> <p>Commencement of proceedings</p> <p>Legal counsel</p> <p>Individual representing party</p> <p>Substitution of parties</p>

Subtitle 3 Boards and Commissions		Subtitle 4 Elections	
Chapter 24 Hawaii Crime Commission General Provisions		Chapter 34 General Provisions	
REPEALED		REPEALED	
Chapter 25 Hawaii Crime Commission Organization		Chapter 35 Voting Systems	
REPEALED		§§2-35-1 to 23 Repealed	
		Subchapter 4 Experimental Voting Systems	
Chapter 26 Hawaii Crime Commission Commission Proceeding		§2-35-24 Rules and procedures	
REPEALED			
Chapter 27 Hawaii Crime Commission Public Information		Chapter 36 Absentee Voting	
REPEALED		REPEALED	
Chapter 28 Hawaii Crime Commission Rules of Practice and Procedure		Chapter 37 Challenge by Voters	
REPEALED		REPEALED	
Chapter 29 Hawaii Criminal Justice Commission Administrative Practice and Procedure		Chapter 38 Adoption, Amendment, or Repeal of Rules by Chief Election Officer	
REPEALED		REPEALED	
		Chapter 40 Board of Registration	
		REPEALED	

Chapter 50		§2-51-29	Voter registration forms; distribution by other persons or organizations
Adoption, Amendment, or		§2-51-30	Confidential registration
Repeal of Rules by		§2-51-31	Voter registration information; prohibited uses
Chief Election Officer		§§2-51-32 to 39	(Reserved)
§2-50-1	Chief election officer initiates		
§2-50-2	Petitions for the adoption, amendment, or repeal of rules		
§2-50-3	Adoption, amendment, or repeal of rules	Subchapter 4	Voter Challenges and Appeals
§2-50-4	Conduct of hearing		
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*This chapter has two different sections both numbered §2-51-96.3. There is no section 2-51-97.

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Subtitle 6 Division of Plant Industry

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Rules Governing Irrigation Water
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the Waimanalo Irrigation System

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<p style="text-align: center;">Chapters 246 to 249</p> <p style="text-align: center;">Reserved</p> <p style="text-align: center;">Part III Ocean Waters, Navigable Streams, and Beaches</p> <p style="text-align: center;">Chapter 250 General Provisions</p> <p>§13-250-1 Purpose and scope §13-250-2 Interpretation §13-250-3 Severability §13-250-4 Reserved §13-250-5 Definitions</p> <p style="text-align: center;">Chapter 251 Waikiki and Kaanapali Ocean Waters</p> <p style="padding-left: 20px;">Subchapter 1 Catamaran Captain, Canoe Captain, Canoe Second Captain, Surfboard Instructor, Sailboard Instructor and Commercial Motorboat Operator Permits</p> <p>§13-251-1 Permits §13-251-2 What persons shall not receive permits §13-251-3 Special restrictions §13-251-4 Learner steersperson permits §13-251-5 Application for operator permit §13-251-6 Examination of applicants §13-251-7 Operator permits issued to catamaran captains, canoe captains, canoe second captains, surfboard instructors, sailboard instructors and commercial motorboat operators §13-251-8 Operator permit to be carried on board and exhibited upon demand §13-251-9 Duplicate certificate §13-251-10 Expiration of operator permit §13-251-11 Records to be kept by the department</p>	<p>§§13-251-12 to 15 (Reserved)</p> <p style="text-align: center;">Subchapter 2 Suspension or Revocation of Permits</p> <p>§13-251-16 Authority of department to revoke operator permit §13-251-17 Authority of department to suspend operator permit §13-251-18 Department may require re-examination §13-251-19 Period of suspension or revocation §13-251-20 Surrender and return of operator permit §§13-251-21 to 25 (Reserved)</p> <p style="text-align: center;">Subchapter 3 Violation of Operator Permit Provisions</p> <p>§13-251-26 Unlawful use of operator permit §13-251-27 Operating while operator permit suspended or revoked §13-251-28 Permitting unauthorized person to operate catamaran or canoe §§13-251-29 to 30 (Reserved)</p> <p style="text-align: center;">Subchapter 4 Owners of Passenger Carrying Vessels, For-Rent Surfboards, For-Rent Sailboards, For Charter or Rent Motorboats and For-Rent Watersports Equipment - Proof of Financial Responsibility</p> <p>§13-251-31 Owner of passenger-carrying vessels, for-rent surfboards, for-rent sailboards, for-charter or rent motorboats, or for-rent water sports equipment to give proof of financial responsibility §13-251-32 Owner of passenger-carrying vessels, for-rent surfboards, for-rent sailboards, for-rent motorboats, and for-rent water sports equipment when no policy obtained</p>
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*Probably should be §13-255-2.

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REPEALED

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**Chapter 92
Optometrists**

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**Chapter 664
 Low Income Home Energy Assistance Program**

REPEALED

**Chapter 664.1
 Low Income Home Energy Assistance Program**

REPEALED

**Chapter 664.2
 Low Income Home Energy Assistance Program**

REPEALED

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TITLE 18

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http://www2.hawaii.edu/svpa/ar/rules.html

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http://www.state.hi.us/ethics/

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