HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 9 ADULT PROTECTIVE AND COMMUNITY SERVICES BRANCH

CHAPTER 1403

AVAILABILITY AND COST OF ADMINISTRATIVE RULES

§17-1403-1 Purpose
§17-1403-2 Definitions
§17-1403-3 Availability of administrative rules
§17-1403-4 Cost of administrative rules

§17-1403-1 Purpose. The purpose of this chapter is to define the conditions under which the department shall make its administrative rules available to the public and to establish the cost of copies. [Eff 12/5/97; comp 7/9/01; am and comp Nov 23, 2020] (Auth: HRS §§91-2, 346-14) (Imp: HRS §§91-2, 91-2.5, 92-21)

§17-1403-2 Definitions. As used in this chapter:

"Administrative rules" means the department's administrative rules on file with the Lieutenant Governor's office.

"Custodian" means any organization or individual, not a public agency or officer, responsible for centrally locating the administrative rules and making
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the rules publicly accessible to a substantial number of the population served. The agencies and organizations shall accept responsibility for filing all amendments and changes forwarded by the department.

"Program development office" means the state office that administers the adult protective and community services programs. [Eff 12/5/97; am and comp 7/9/01; am and comp  NOV 23 2020 ] (Auth: HRS §§346-14) (Imp: HRS §§346-14)

§17-1403-3 Availability of administrative rules. (a) The administrative rules shall be made available to individuals and organizations for review, study, or reproduction on regular workdays during regular office hours.

(b) Custodians shall make the administrative rules available for public review.

(c) The administrative rules shall be available upon request through the following offices:
   (1) Program development office on Oahu; and
   (2) Adult protective and community services offices on each island.

(d) Upon request, the administrative rules may be made available electronically.

(e) When copies of the administrative rules are available electronically on the department's website, the requester shall be informed of the electronic availability and location of the administrative rules on the website. [Eff 12/5/97; am and comp 7/9/01; am and comp  NOV 23 2020 ] (Auth: HRS §§91-2, 346-14) (Imp: HRS §§91-2, 91-5)

§17-1403-4 Cost of administrative rules. (a) The department shall deposit, without charge, seven copies of the administrative rules of the department with the state publications distribution center and one copy with the University of Hawaii.

(b) Upon request, copies of specific sections of the administrative rules shall be provided without
charge to a claimant, as defined in chapter 17-1402, 
or the claimant's legal representative who requires 
specific sections of the administrative rules to 
determine whether an administrative hearing should be 
requested or to prepare for a hearing.

(c) Upon request, copies of the administrative 
rules shall be provided without charge to state or 
county agencies and officers, and public agencies and 
officers outside the State.

(1) State or county agencies or officers, and 
public agencies and officers outside the 
State entitled to a free copy of the 
department's administrative rules shall be 
placed on the mailing list of the program 
development office.

(2) State or county agencies or officers, and 
public agencies and officers outside the 
State placed on the mailing list shall be 
responsible to notify the program 
development office when the issuances are no 
longer needed.

(d) Custodians, individuals, or organizations 
not entitled to receive free copies of the 
administrative rules and who choose not to access the 
administrative rules through electronic files shall be 
assessed a fee related to the cost of reproduction and 
applicable postal rates.

(e) The fee for reproduction shall be ten cents 
per one-sided copy and twenty cents per two-sided 
copy, and shall be paid in advance to the department 
by cash, money order, or certified check.

(f) Copies shall be provided within ten working 
days from the date of the request by the program 
development office or the adult protective and 
community services office in the geographic area where 
the copies are being requested. The ten-day period 
may be extended for an additional twenty working days 
if the department provides to the requesting 
individual, within the initial ten working days, a 
written explanation of unusual circumstances causing 
the delay. [Eff 12/5/97; am and comp 7/9/01;]
am and comp (Auth: HRS §§91-2, 346-14) (Imp: HRS §§91-2.5, 91-5, 92-21, 93-2, 93-3)