

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

CHAPTER 3

RULE RELIEF PROCEDURES

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Historical Note: Chapter 17-3 is partially based on Parts I and II of Rule 6 of the department of social services and housing. [Eff 3/26/64; R 6/4/84]

§17-3-1 Definitions. As used in this chapter: "Person" means individuals, partnerships, corporations, associations, or organizations of any character, except for the department.

"Program" means a combination of resources and activities designed to achieve an objective or objectives of the department's vocational rehabilitation and services for the blind division, the family and adult services division, the med-QUEST division, and the self sufficiency and support services division.

"Relief" means the adoption, modification, or repeal of any rule by the department.

"Rule" shall have the same meaning as that specified by section 91-1, HRS. [Eff 6/4/84; am and comp APR 13 1995] (Auth: HRS §§91-2, 346-14, 348-3) (Imp: HRS §§91-2, 346-14, 348-3)

§17-3-2 Request for rule relief. The department or any interested person may petition in writing for the amendment, adoption, or repeal of a rule. When a petition is filed, the department shall record the date

it was received and assign it an incoming correspondence number. [Eff 6/4/84; comp APR 13 1995] (Auth: HRS §§91-2, 346-14, 348-3) (Imp: HRS §§91-2, 346-14, 348-3)

§17-3-3 Contents of petition for rule relief.

(a) The petition for rule relief shall set forth the text of the:

- (1) Rule to be repealed; and
- (2) Proposed rule sought to be adopted; or
- (3) Existing rule sought to be amended together with the proposed amendment.

(b) The petition shall also state the facts and circumstances giving rise to the petition, including:

- (1) Petitioner's interest and reasons for filing the petition;
- (2) The necessity for rule relief;
- (3) Anticipated effects or impacts of rule relief;
- (4) Questions or issues raised by the rule relief; and
- (5) Petitioner's position or contentions with respect to questions or issues raised. [Eff 6/4/84; comp APR 13 1995] (Auth: HRS §§91-6, 346-14, 348-3) (Imp: HRS §§91-6, 346-14, 348-3)

§17-3-4 Departmental action. (a) Upon the filing of a request or petition, the department shall determine whether or not to proceed with the rule relief.

(b) Within thirty days of the date of filing, the department shall notify a requestor or petitioner of a determination whether to proceed.

(c) If the department decides not to proceed, reasons for the determination shall be stated in the response. [Eff 6/4/84; comp APR 13 1995] (Auth: HRS §§26-38, 91-2, 346-14, 348-3) (Imp: HRS §§26-38, 346-14, 348-3)

§17-3-5 Extensions of time. Where there is mutual agreement between the department and the requestor or petitioner, extensions of time may be

stipulated by either party. [Eff 6/4/84; comp
APR 13 1995] (Auth: HRS §§26-38, 91-2, 348-3)
(Imp: HRS §§26-38, 91-2, 348-3)

§17-3-6 Determination final. A requestor or
petitioner shall have no right to move the department
for reconsideration. [Eff 6/4/84; comp APR 13 1995]
(Auth: HRS §§26-38, 346-14, 348-3) (Imp: HRS §§26-38,
346-14, 348-3)

§17-3-7 Additional facts and supplemental
memoranda. The department may require a requestor or
petitioner to submit a statement of memorandum of
additional facts clarifying a specific factual issue
which will aid the department in its consideration of
what action to take on a request or petition. [Eff
6/4/84; comp APR 13 1995] (Auth: HRS §§26-38,
346-14, 348-3) (Imp: HRS §§26-38, 346-14, 348-3)