

DEPARTMENT OF BUDGET AND FINANCE

Amendment to Chapter 6-1
Hawaii Administrative Rules

December 6, 1993

SUMMARY

1. §6-1-20 is amended.

§6-1-20 Receiving and paying hours. The receiving and paying hours of the Department shall be from 9:00 a.m. to 3:00 p.m. on all business days. [Eff. 7/13/81; am FEB 07 1994] (Auth: HRS §26-38) (Imp: HRS §80-3)

DEPARTMENT OF BUDGET AND FINANCE

Amendments to chapter 6-1, Hawaii Administrative Rules, on the Summary page dated December 6, 1993, were adopted on December 6, 1993, following a public hearing held on November 5, 1993, after public notice was given in the Honolulu Advertiser on October 5, 1993.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/ _____

YUKIO TAKEMOTO

Director of Finance

APPROVED AS TO FORM:

/s/ _____

CELIA JACOBY

Deputy Attorney General

/s/ _____

JOHN WAIHEE

Governor

State of Hawaii

Date: January 26, 1994

January 27, 1994

Filed

TITLE 6

DEPARTMENT OF BUDGET AND FINANCE

CHAPTER 1

PUBLIC RECORDS; ADMINISTRATIVE PROCEDURES;
RECEIVING AND PAYING HOURS

Subchapter 1 Public Records

- §6-1-1 Definitions
- §6-1-2 Public records
- §§6-1-3 to 6-1-9 (Reserved)

Subchapter 2 Administrative Procedures

- §6-1-10 Adoption, amendment, or repeal of rules
- §6-1-11 Petition for declaratory ruling
- §§6-1-12 to 6-1-19 (Reserved)

Subchapter 3 Receiving and Paying Hours

- §6-1-20 Receiving and paying hours

SUBCHAPTER 1

Historical Note: Subchapter 1, chapter 1 of title 6 is based substantially upon rule 1, rule 2, and rule 6 of the Department of Budget and Finance. [Eff. 9/11/70;
R JUL 13 1981]

§6-1-1 Definitions. When used in this chapter:

"Director" means the director of finance.

"Department" means the department of budget and finance.

"Regular business hours" means from 7:45 a.m. to 4:30 p.m., Monday through Friday.

"Person" shall be as defined in section 91-1, HRS.

"Public record" shall be as defined in section 92-50, HRS.

"Rule" shall be defined in section 91-1, HRS.

[Eff. JUL 13 1981] (Auth: HRS §26-38) (Imp: HRS §80-1, 91-1, 92-50, 92-51)

§6-1-2 Public records. (a) Public records shall be available for inspection in accordance with section 92-51, HRS, at the department in the state capitol during regular business hours.

(b) Requests to inspect or obtain copies of public records shall be made in writing to the department. The request shall identify or describe the public record and state the purpose for which the request is made.

(c) When denying a request for inspection of public records, the department shall state its reason for refusal and procedures for review of the refusal.

(d) A reasonable fee, determined in accordance with section 92-21, HRS, may be charged for copies furnished. [Eff. JUL 13 1981] (Auth: HRS §26-38)
(Imp: HRS §91-2, 92-51)

§§6-1-3 to 6-1-9 (Reserved)

SUBCHAPTER 2

ADMINISTRATIVE PROCEDURES

Historical Note: Subchapter 2, chapter 1 of title 6 is based substantially upon rule 4 and rule 5 of the Department of Budget and Finance. [Eff. 9/11/70;
R JUL 13 1981]

§6-1-10 Adoption, amendment, or repeal of rules:

(a) Any person may petition the director for the adoption, amendment, or repeal of any rule of the department. The petition shall be submitted in duplicate and delivered to the department in the state capitol during regular business hours. The petition need not be in any special form but shall contain:

- (1) A statement of the nature of each petitioner's interest;
- (2) A draft or the substance of the proposed rule or amendment or repeal and a designation of any existing rules affected by the petition;
- (3) An explicit statement of the reasons in support of the proposed rule, amendment, or repeal;
- (4) Any other information relevant to the petition;
- (5) The name, address, and telephone number of each petitioner; and
- (6) The signature of each petitioner.

(b) Any petition which does not conform to the foregoing requirements shall be rejected by the director.

(c) Upon receipt of the petition, the director shall cause it to be dated to determine the date of submission.

(d) Within thirty days after the receipt of the petition, the director shall either deny the petition in writing, stating reasons for the denial, or initiate proceedings in accordance with section 91-3, HRS, for the adoption, amendment, or repeal of the rule.

[Eff. JUL 13 1981] (Auth: HRS §26-38, §91-6)
(Imp: HRS §91-6)

§6-1-11 Petition for declaratory ruling. (a) Any interested person may petition the director for a declaratory order as to the applicability of any statutory provision administered by the director or of any rule or order of the director.

(b) The petition shall be submitted in duplicate and delivered to the department in the state capitol during regular business hours. The petition need not be in any special form but shall contain:

- (1) A statement of the nature of each petitioner's interest, including reasons for the submission;
- (2) A designation of the specific statutory provision, rule, or order in question;
- (3) A complete statement of the facts;
- (4) A statement of the interpretation given the statutory provision, rule, or order by the petitioner;
- (5) A memorandum containing the reasons, including any legal authorities, in support of the interpretation of the petitioner;
- (6) The name, address, and telephone number of each petitioner; and
- (7) The signature of each petitioner.

(c) Any petition which does not conform to the foregoing requirements shall be rejected by the director.

(d) The director, without notice or hearing, may refuse to issue a declaratory order. Without limiting the generality of the foregoing, the director may so refuse where:

- (1) The question is speculative or purely hypothetical and does not involve an existing situation or one which may reasonably be expected to occur in the near future; or
- (2) The petitioner's interest is not of the type which would give standing to maintain an action in a court of law; or
- (3) The issuance of the declaratory order may adversely affect the interest of the State of Hawaii in any litigation which is pending or may reasonably be expected to arise; or

(4) The petition requests a ruling on a statutory provision not administered by the department or the matter is not otherwise within the jurisdiction of the department.

(e) Where any question of law is involved, the agency may refer the matter to the attorney general.

(f) Within thirty days after submission of the petition, the director shall either deny the petition, stating the reasons for the denial, or issue a declaratory ruling.

(g) The director may order a hearing on the declaratory ruling. Any petitioner who desires a hearing on a petition for a declaratory ruling shall include in the request the reasons why the matters alleged in the petition, together with supporting affidavit or other written evidence and briefs or memoranda of legal authorities, will not permit the fair and expeditious disposition of the petition.

(h) Orders disposing of petitions shall be applicable only to the fact situation alleged in the petition or as set forth in the order. They shall not be applicable to different fact situations or where additional facts not considered in the order exists.

[Eff. JUL 13 1981] (Auth: HRS §26-38, 91-8)

(Imp: HRS §91-8)

§§6-1-12 to 6-1-19 (Reserved)

SUBCHAPTER 3

RECEIVING AND PAYING HOURS

Historical Note: Subchapter 3, chapter 1 of title 6 is based substantially upon rule 3 of the Department of Budget and Finance. [Eff. 9/11/70; R JUL 13 1981]

§6-1-20 Receiving and paying hours. The receiving and paying hours of the department shall be from 9 a.m. to 3 p.m. on all business days, except for a lunch period of forty-five minutes from 12:00 noon to 12:45 p.m. [Eff. JUL 13 1981] (Auth: HRS §26-38) (Imp: HRS §80-3)