

Comparison Chart
Current HAR Title 10 vs Proposed Amendments to HAR Title 10

Section	Current Rule	Proposed Rule	Reason for Change	Beneficiary Impact
General Provisions				
10-1-2(a) Information	Provides mailing and street addresses for DHHL offices.	Would update to provide current information.	Addresses and physical location of offices have changed.	+ all beneficiaries benefitted.
10-1-2(c) Information	Provides for inspection of documents filed with the commission.	Would make grammatical correction.	Proper form and grammar.	+ helps provide greater clarity.
10-1-4 Terms	Provides that unless defined in the rules, words have the same meaning as provided by law.	Would make technical change to conform with style requirements.	Rules should conform to formatting, style, and technical requirements found in HAR Title 00.	+ provides technical clarity and uniformity.
10-1-5 Definitions	Provides specific definitions of terms used in the rules.	Would make technical changes and would add definitions for: "Munitions and explosives of concern (MEC)" "Munitions constituents" "Priority and preference for award of leases" "Successor" "Undeveloped lot" "Undivided interest" "Vacant lot" "Unexploded ordnance (UXO)" "UXO lands"	Technical changes would conform to style requirements. New definitions reflect existing programs, policies, and practices.	+ all beneficiaries benefitted because definitions would be current.
10-1-7 Severability	Provides that if anything in the rules is found invalid, the remaining portions remain unaffected.	Would make technical change to conform with style requirements.	Rules should conform to formatting, style, and technical requirements found in HAR Title 00.	+ provides technical clarity and uniformity.
Organization and Management				
10-2-1 Office (Commission)	Provides the physical location of the office of the commission, and how to address any communication to the commission.	Would update to provide current information.	Addresses and physical location of offices have changed.	+ all beneficiaries benefitted.

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10-2-16 Delegation of duties to the chairman	Provides for delegation of administrative functions and certain other authorities to the chairman.	(b)(8) Would add scheduling of contested case hearings to delegated duties. (b)(9) Would move approval of designation of successors to delegated duties so that ratification by the commission is no longer needed. (d) Would remove dollar amount and allow chairman to approve and sign contracts for specific projects, which are included in the commission's prior approved budget.	Grammatical and technical corrections. (b)(8) This revision makes rule consistent with current practice. (b)(9) This revision streamlines process so that designation of successors can become effective sooner. (d) This revision helps to manage department workload by streamlining process for contract approval and signing.	+ benefits all beneficiaries by allowing for faster approval and scheduling of matters that are routine or have already been approved by the commission: contested cases can be scheduled as needed, designation of successors can become effective sooner, and commission approved projects can be managed more effectively and completed in a more timely manner.
10-2-31 Office (Department)	Provides the physical location of the main office of the department, and how to address any communication to the department.	Would update to provide current information.	Addresses and physical location of offices have changed.	+ all beneficiaries benefitted.
10-2-33 Personnel	Provides that staff are accountable to the chairman and that hiring and firing shall be done in accordance with applicable laws.	Would add the "aloha spirit" law as a guiding principle for the conduct of personnel.	This revision conforms to state law.	+ all beneficiaries benefitted because this is a step toward providing more courteous service.
Native Hawaiian Rehabilitation Program				
10-3-2 Qualifications of Applicants	(a) Provides qualifications of applicants pursuant to HHCA. (b) Provides that applicants for agricultural or pastoral leases may be required to comply with section 10-3-24 before an award may be made.	(a) Would remain unchanged. (b) Would be deleted.	This revision clarifies what are necessary criteria for an applicant to be eligible for a homestead lease.	+ benefits applicants and potential applicants.

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10-3-2.1 Documentation	None.	New rule. Would reflect information already provided in the application form by listing the types of documentation necessary for the department to verify that an applicant meets the necessary qualifications.	To make the application process easier to understand by providing applicants with greater clarity and certainty about what documentation may be needed, and to ensure uniformity with departmental process.	+ benefits applicants and potential applicants.
10-3-6(a) Island-wide waiting lists	Provides information about the waiting lists and placement on a list.	Would specify that the date of completed application is the date used for order of placement on the waiting list.	To clarify the date that determines order on a waiting list. The current rule is unclear about what date is used to determine order of placement on the waiting list because an application can reflect more than one date stamp.	+ benefits applicants and potential applicants.
10-3-10(a) Requirement for current information; placement on deferred status	Requires that an applicant must notify the department of any change of address.	Would allow for electronic notification and would allow the department to try to contact the applicant at the address reflected on a US Postal Service change of address label.	To make it easier for applicants to maintain current information and remain in contact with the department, and to streamline department processes.	+ benefits all beneficiaries by making it easier to maintain current contact information with the department, which ensures beneficiaries are informed of current opportunities and events.
10-3-33 Commercial activities	Provides that commercial activities on homestead property cannot constitute a nuisance.	Would also provide that commercial activities cannot constitute a threat to health, safety, and environment.	This revision protects the trust, beneficiaries, the department, and the public.	+ benefits all beneficiaries by ensuring that commercial activities on homestead lands are conducted in a safe and responsible manner.
10-3-34 Building requirements	Provides that the process for constructing improvements on leasehold lots and requires commission approval.	Would require department approval instead of commission approval.	This revision streamlines process and conforms to current practice.	+ benefits all beneficiaries because it allows for faster determinations.
10-3-38 Subdivision and transfer of a portion of residential lot leasehold	Requires the chairman to approve plans for home construction as part of the subdivision and transfer process.	Would allow the department to approve construction plans instead of the chairman.	This revision streamlines department process and conforms to current practice.	+ benefits all beneficiaries because it simplifies the process and provides for potentially faster determinations.

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10-3-39(a) Occupancy and other requirements	Provides that the time period to use or to cultivate (ag or pastoral) or to occupy (residential) a lot is stipulated in the lease.	Would include occupancy of ag and pastoral lots.	This revision works in conjunction with the proposed "subsistence ag" lot.	+ creates consistency of use and occupancy requirements by ensuring the "subsistence ag" lot lessees are subject to the same time requirements as other homestead lessees.
10-3-76 Fees and charges	Provides fees and charges for community pastures, use of meeting halls, and water rates.	Would delete the fees and charges for community pastures and would change the fees and charges associated with use of meeting halls and facilities, subject to commission approval.	This revision provides flexibility to align rental fees and charges with the actual cost to run a department facility or hall for the rental period. The department currently absorbs the difference between the actual cost incurred and the fee charged (currently set at \$50/day).	+ alleviates department expenses and maintains availability of facilities for rental. - would cost more per day to rent department facilities.
Rules of Practice and Procedure				
10-5-1 Scope of rules	Defines what the rules govern.	Would make technical change to conform with style requirements.	Rules should conform to formatting, style, and technical requirements found in HAR Title 00.	+ helps in ease of understanding.
10-5-2 Commission procedure	Defines the parameters of commission procedure.	Would make technical change to conform with style requirements, and would make grammatical changes.	Rules should conform to formatting, style, and technical requirements found in HAR Title 00. Grammatical changes made for clarity and ease of reading.	+ helps in ease of understanding.
10-5-3 Suspension, waiver of rules	Provides for the waiver or suspension of rules in certain circumstances.	Would make grammatical changes, and would add specificity to when and how a rule may be waived or suspended.	Grammatical changes made for clarity and ease of reading. This revision provides a standard, which the current rule lacks, to meet in requesting that a rule be suspended or waived.	+ helps provide greater clarity and provides for greater certainty about what is necessary for a rule to be waived or suspended.
10-5-4 Appearances before the commission	Governs the representation of individuals or agencies before the commission.	Would make grammatical changes.	Grammatical changes made for clarity and ease of reading.	+ helps in ease of understanding.

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10-5-5 Filing of documents	Provides the form and other requirements for filing documents with the commission.	Would make grammatical and stylistic changes, and would provide for electronic filing.	Revisions made for clarity and ease of reading, and to allow for ease and efficiency of process.	+ helps provide greater clarity and availability of electronic filing would make it easier to file documents with the commission.
10-5-7 Time computation	Provides the method for how time will be computed.	Would conform to the method used by state law.	Revision makes the time computation easier to understand and conforms to the standard method under state law.	+ makes time computation method easier and uniform with state law.
10-5-8 Amendments, dismissal of documents	Provides how filed documents may be amended or dismissed.	Would make grammatical and stylistic changes.	Revisions made for clarity and ease of reading.	+ helps in ease of understanding.
10-5-9 Document retention	Provides for retention and withdrawal of documents filed with the commission.	Would replace "withdraw" with "replacement" and make other grammatical and stylistic changes.	Revisions made for clarity and ease of reading.	+ helps in ease of understanding.
10-5-10 Commission decision	Provides for publication of commission decisions, rulings, and final orders.	Would make stylistic change.	Revision made for clarity and ease of reading.	+ helps in ease of understanding.
10-5-12 Substitution of parties	Allows for the substitution of parties.	Would make stylistic change.	Revision made for clarity and ease of reading.	+ helps in ease of understanding.
10-5-13 Consolidations	Allows the commission to consolidate certain matters for hearing or other purposes.	Would make grammatical and stylistic changes.	Revisions made for clarity and ease of reading.	+ helps in ease of understanding.
10-5-21 Rule change petitions, procedures	Provides that any person may petition for a rule amendment or repeal.	Would make grammatical and stylistic changes.	Revisions made for clarity and ease of reading.	+ helps in ease of understanding.

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10-5-22 Proposed rulemaking notice	Provides the requirements for notice of proposed rulemaking.	Would make technical and stylistic changes, would add internet posting, and would remove the requirement that fifteen copies of the proposed rule be mailed to the state library for distribution to selected libraries.	Technical and stylistic revisions made for ease of reading. Revision adding internet posting conforms to state law and allows for greater efficiency. Distribution to state libraries was intended to increase availability and accessibility of the proposed changes, however this mode is outdated and accounted for in the internet posting.	+/- adds internet posting but removes distribution to selected state libraries.
10-5-23 Hearing conduct	Governs the procedural conduct of public hearing for rulemaking.	Would make grammatical and stylistic changes. Would allow for the chairman's designee to preside over the hearing instead of only the chairman or member of the commission. Would move (b) to a separate section, 10-5-23.1.	Grammatical and stylistic revisions made for clarity and ease of reading. Revision regarding the identity of the hearing officer allows for greater flexibility and conforms to general practice of other state agencies.	+/- improves efficiency of process but means that commissioner(s) may or may not be at public hearings for rulemaking purposes.
10-5-23.1 Time and place	Exists as 10-5-23(b); governs the scheduling of the public hearing.	Would take the content of 10-5-23(b) and put it in a new section.	Revision made for clarity; when and where the hearing is held is different from how the hearing is conducted so should be a separate section.	+ helps in ease of understanding.
10-5-25 Emergency rulemaking	Governs rulemaking in situations of immediate danger.	Would make technical and stylistic changes.	Revisions made for clarity and standardization.	+ helps in ease of understanding.
10-5-26 Governor's approval	None.	New rule. Would conform to state law requiring the approval of the governor.	Revision conforms to state law ch.91.	+ conforms to state law.