



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

August 15, 2011

To: Chairman and Members, Hawaiian Homes Commission

From: Dreana Kalili, Policy and Program Analyst

Subject: HAR Title 10 - Amendment Development Process

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission approve this process for the consideration of administrative rules, policy decision-making on related issues, and the development of new administrative rules and rule amendments.

DISCUSSION

*Proposed Process*

Updating Hawaii Administrative Rules Title 10 is a priority for both the commission and department. The process of updating these administrative rules requires a close working relationship among the commission members, department staff, and beneficiaries. This proposed process allows for substantive and timely input from each group as new rules are developed.

Exhibit "A" illustrates the process and a proposed timeline. The crux of the process is the staff preparation and presentation of white papers on department programs and procedures that require rule changes, and the consideration of testimony from the public on how rules can be changed to achieve greater efficiency and better service to beneficiaries. The process is designed to allow the commission to consider this input prior to making policy decisions that will shape amendments to the administrative rules. The presentations of white papers and public testimony will begin as soon as the September regular meeting of the commission. A new topic, or a group of related topics, will be considered each month.

When the commission makes a policy decision on a specific issue,

staff will begin to draft rules based on the decision. A complete draft of the rules verbiage will be presented to the commission for preliminary approval once all decisions have been made. Once approved, these draft rules will be available to beneficiaries through beneficiary consultation. Following the statewide beneficiary consultation process, staff will consider beneficiary comments and input, and any amendments to the draft rules will be presented to the commission for approval.

The next steps in the rulemaking process are required by Hawaii Administrative Rules Title 10 and Hawaii Revised Statutes Chapter 91.

In the past, the department worked with beneficiaries in focus groups to gather input on how rules can be amended to better serve applicants and lessees. The new, proposed process allows for broader input and participation through testimony. Also, previously, the beneficiary consultation took place once the rules were approved by the Attorney General and the Governor. The new, proposed process allows for beneficiary consultation earlier in development of the rules.