

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 9 NATURAL AREA RESERVES SYSTEM

CHAPTER 208

NATURAL AREA RESERVES SYSTEM COMMISSION

RULES OF PRACTICE AND PROCEDURE

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Historical Note: Chapter 208 of Title 13, Administrative Rules, is based substantially upon the Rules of Practice and Procedure of the Natural Area Reserves System Commission of the Department of Land and Natural Resources. [Eff. 3/19/79;
R JUN 29 1981]

Sec. 13-208-1 Purpose. These rules govern practice and procedure before the natural area reserves system commission of the State of Hawaii under chapter 195, Hawaii Revised Statutes. The rules shall be construed to effectuate the purposes of said chapter and to secure the just, speedy, and inexpensive determination of every proceeding. [Eff. JUN 29 1981] (Auth: HRS Sec. 195-6) (Imp: HRS Sec. 91-2)

Sec. 13-208-2 Definitions. As used in these rules, unless context requires otherwise:

"Chairperson" means the chairperson of the natural area reserves system commission.

"Commission" means the natural area reserves system commission, established by section 195-6, Hawaii Revised Statutes.

"Executive secretary" means the executive secretary of the natural area reserves system commission.

"Public records" is defined in section 92-50, Hawaii Revised Statutes, and shall include all maps, written statements of policy or interpretation formulated, adopted, or used by the commission, and all documents prepared under the provisions of chapter 195, Hawaii Revised Statutes, except materials and minutes submitted and reported in executive meetings of the commission. [Eff. JUN 29 1981]
(Auth: HRS Secs. 91-2, 195-6) (Imp: HRS Secs. 91-2, 195-6)

Sec. 13-208-3 Office. The office of the commission is in the Kalanaimoku Building, Honolulu, Hawaii. All communications to the commission shall be addressed to the Natural Area Reserves System Commission, Department of Land and Natural Resources, State of Hawaii, Honolulu, Hawaii, unless otherwise specifically directed.
[Eff. JUN 29 1981] (Auth: HRS Secs. 91-2, 195-6) (Imp: HRS Sec. 91-2)

Sec. 13-208-4 Hours. The office of the commission shall be open from 7:45 a.m. to 4:30 p.m. of each day of the week except Saturdays, Sundays, and holidays, unless otherwise provided by statute or executive order. [Eff. JUN 29 1981] (Auth: HRS Secs. 91-2, 195-6) (Imp: HRS Secs. 80-1, 91-2)

Sec. 13-208-5 Meetings. (a) The commission may meet and exercise its powers in any part of the State of Hawaii.

(b) All meetings of the commission shall be open to the public, except that the commission may meet in executive session, as provided in section 92-4, Hawaii Revised Statutes. No recommendation, interpretation, or other decision shall be finally acted upon at such executive session.

(c) Meetings may be scheduled at the request of:

- (1) Three or more members of the commission;
- (2) The chairperson;

(3) The executive secretary. [Eff. JUN 29 1981]

(Auth: HRS Secs. 91-2, 195-6) (Imp: HRS Secs. 92-3, 92-4, 92-5, 195-6)

Sec. 13-208-6 Notice. The public shall receive reasonable notice of all meetings through a newspaper of general circulation or by the sending of notices of meetings to all requesting to be on the mailing list for this purpose and other interested parties.
[Eff. JUN 29 1981] (Auth: HRS Sec. 195-6) (Imp: HRS Sec. 92-7)

Sec. 13-208-7 Quorum. A quorum shall be as established in section 195-6, Hawaii Revised Statutes. [Eff. JUN 29 1981]
(Auth: HRS Sec. 195-6) (Imp: HRS Sec. 195-6)

Sec. 13-208-8 Minutes. The commission shall maintain minutes of its meetings, setting forth an accurate record of votes and actions taken at the meetings. Unless otherwise required by the Governor of the State, the minutes need not include a verbatim record of discussions at meetings. The minutes of the commission shall be deemed public records, provided that the minutes of any executive meeting from which the public has been excluded may remain confidential. [Eff. JUN 29 1991] (Auth: HRS Sec. 195-6) (Imp: HRS Sec. 92-9)

Sec. 13-208-9 Delegation of administrative duties. The executive secretary shall, in addition to any other duties, have charge of the commission's official records and shall be responsible for the maintenance and custody of the files and records of the commission and all its findings, determinations, reports, opinions, orders, rules, and approved forms. The executive secretary shall act as liason between the commission and other agencies or interested persons. [Eff. JUN 29 1991] (Auth: HRS Sec. 195-6) (Imp: HRS Sec. 195-6)

Sec. 13-208-10 Filing of documents. The commission shall consider all relevant comments and materials of record before taking final action in the formulation of policy, recommendation, or interpretation. Submittals by interested persons or agencies to the commission shall be filed with the executive secretary at the office of the commission at Honolulu, Hawaii, and when required within such time limits as prescribed by law or by the order of the commission. [Eff. JUN 29 1991] (Auth: HRS Sec. 195-6) (Imp: HRS Sec. 91-2)

Sec. 13-208-11 Public records. (a) All public records will be available for inspection in the office of the commission, Honolulu, Hawaii, during established office hours unless public inspection of such records is in violation of any State or Federal law.

(b) Public records printed or reproduced by the commission shall be given to any person requesting the same and paying the reasonable cost thereof.

(c) Requests for public information, for permission to inspect official records, or for copies of public records shall be handled expeditiously. [Eff. JUN 29 1991] (Auth: HRS Secs. 91-2, 195-6) (Imp: HRS Secs. 91-2, 92-21, 92-51)

Sec. 13-208-12 Public informational meetings. (a) The commission may at any time upon its own initiative or by application of any interested person or persons, hold public meetings as it may deem necessary for the purpose of providing as well as obtaining information necessary or helpful in the formulation of its policies, proposals, or recommendations.

(b) A notice of the meeting will include a statement of the agenda, the date, time, and place where the public meeting will be held, and it will be published in a newspaper of general circulation in the State in a reasonable time prior to the date set for the public meeting.

(c) Each such meeting shall be presided over by the chairperson of the commission or a designated representative.
[Eff. JUN 29 1981] (Auth: HRS Sec. 195-6) (Imp: HRS Sec. 91-2)

Sec. 13-208-13 Petitions for adoption, amendment, or repeal of rules. (a) Any interested person may petition the commission requesting the adoption, amendment, or repeal of any rule within the commission's administrative rules of practice and procedure.

(b) The petitions for adoption, amendment, or repeal of any rule shall state the reasons for seeking the change.

(c) Petitions shall be filed in the office of the commission at Honolulu, Hawaii.

(d) The commission shall within thirty days following the filing of the petition either deny the petition in writing or initiate public rulemaking procedures pursuant to section 91-3, Hawaii Revised Statutes. [Eff. JUN 29 1981] (Auth: HRS Sec. 195-6) (Imp: HRS Sec. 91-6)

Sec. 13-208-14 Petitions for declaratory rulings. (a) On petition of an interested person, the commission may issue a declaratory order as to the applicability of any statutory provision or of any rule within the commission's rules of practice and procedure.

(b) Petitions for declaratory rulings shall state the reasons for such petition.

(c) Petitions shall be filed in the office of the commission at Honolulu, Hawaii.

(d) The commission may, on its own initiative or upon request, but without notice or hearing, issue a declaratory order to terminate a controversy or to remove uncertainty. [Eff. JUN 29 1981]
(Auth: HRS Sec. 195-6) (Imp: HRS Sec. 91-8)