



## Finding Hawaii Administrative Law

### What is Administrative Law?

Administrative law refers to the rules, regulations, orders and decisions of administrative agencies of the government. State agencies are given power by the state legislature to enforce certain statutes. The Hawaii Resources page of our website lists a number of administrative law resources. Our website is at <http://library.law.hawaii.edu/>.

### Where do I start?

A good place to begin is with **the relevant statute** from the *Hawaii Revised Statutes*. Once you have the statute citation, look for a statute setting forth which agency oversees enforcement of the statute. This is usually titled "enforcement jurisdiction" and can be found in the same chapter.

Next, find the **authority statute** for that agency. This may be cross-referenced in the enforcement statute, or you can find it by looking up the agency in the index. The Authority Statute lists the powers and functions granted to an agency. The agency cannot exceed this power. Remember to check pocket parts for updates.

Agencies may be given quasi-legislative authority, quasi-judicial authority, or both. Quasi-legislative authority allows the agency to promulgate rules and regulations, which are similar to statutes. Quasi-judicial authority allows the agency to hear cases and issue decisions, similar to what judges do in case law

### Finding Administrative Rules and Regulations

Hawaii's administrative rules and regulations are not officially codified.

#### 1. In Print

Weil's Code of Hawaii Rules is the unofficial publication of administrative regulations.  
On Reserve at the Law Library KFH35 1998 .A4

#### 2. Online:

##### a. Agency's Website

Often the agency website has the most up to date regulations.

Hawaii Government Portal This site provides links to agency websites.

<http://www.hawaii.gov/portal/government/agencies.html>

Guide to Government in Hawai`i This guide discusses state and county departments and the agencies of the federal government having offices in Hawai`i.

Print: On Reserve, JK 9330.H30

Online: <http://www.hawaii.gov/lrb/gd/gd.govhi.pdf>

##### b. Databases (access for law students only)

Lexis: HIA-ADMN; Westlaw: The administrative database is not currently available

### 3. Update your research!

Having found the administrative regulations, you now need to make sure these are up to date. Agencies pass or change rules by first publishing proposed rules and holding a hearing for public comment on those rules. These proposed rules and hearing notices can be found online, usually at the agency website.

Hawaii Government Register is the print version for updates and proposed rules. Published monthly. On Reserve at KFH35 .W44 (Current 6 months only).

## Finding Administrative Decisions and Opinions

Agencies with quasi-judicial authority also issue administrative decisions that function a lot like case law. There is no formalized system for publication of agency decisions in Hawaii which can make finding agency decisions difficult. Each agency follows its own procedures and practices on how it makes decisions available to the public.

### 1. Agency Decisions

a. Agency websites are the best place to look for agency decisions.

Hawaii Government Portal This site provides links to agency websites.

<http://www.hawaii.gov/portal/government/agencies.html>

Hawaii State Law Library This site provides links to decisions.

<http://www.state.hi.us/jud/library/admindec.htm>

b. Databases

Lexis and Westlaw do not cover many administrative decisions.

The Law Library provides electronic access to the Department of Labor & Industrial Relations Appeals Board

<http://appealsboardindex.com>

(requires username and password for login  
email [uhlaref@hawaii.edu](mailto:uhlaref@hawaii.edu) for access).

### 2. Attorney General Opinions

The Attorney General is the legal counsel for many agencies and issues opinions on various administrative law topics.

a. In print:

*Listing of Opinions Issued by Attorney-General, State of Hawaii*

KFH440.5 .A23

b. Online

Attorney General website: <http://hawaii.gov/ag/main/publications/opinions/>

(1987 – Present; Chronologically listed, and not searchable by title or subject)

c. Database – Lexis & Westlaw (access for law students only)

Lexis: HIAGEN

Westlaw: HI-AG