

ACT 237

H.B. NO. 206

A Bill for an Act Relating to the Facilitation of Permit Processing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Short title. This Act shall be known and may be cited as the "Permit Process Facilitation Act of 1985".

SECTION 2. Findings. A large number of federal, state, and county agencies and authorities have jurisdiction and may grant or deny their approval and issue or withhold permits for projects in the State. Agencies may disagree as to the requirements to be imposed on each applicant; hearings and data requirements may overlap or duplicate each other; and some agencies may prefer not to act until others take action first.

In 1977, central coordinating agencies were established in each of the four counties. Their operation improved the permit and approval process by providing a central source of information on county permit and approval requirements. Based on the county experience, improvements can be made in state permit and approval processes. There are also opportunities to further facilitate the regulatory process for projects that require permits and approvals from different levels of government. The legislature finds that it would be beneficial to designate a lead agency for permit process facilitation and the development of opportunities for streamlining the permit process.

SECTION 3. Purpose. The purpose of this Act is to authorize the department of planning and economic development to facilitate, expedite, and coordinate state agency and inter-governmental permit processes. The agency may facilitate the permit process through a consolidated application procedure, through information services, and through efforts to streamline the permit process. It is the further purpose of this Act to authorize and establish procedures by which federal, state, and county agencies and authorities may consolidate their review and action on permit applications for projects in the State. These procedures for state agencies and authorities are mandatory, and for federal and county agencies voluntary.

SECTION 4. Chapter 201, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . FACILITATION OF PERMIT PROCESSING

§201- Definitions. As used in this part, unless the context otherwise requires:

"Department" means the department of planning and economic development.

"Permit" means any license, permit, certificate, certification, approval, compliance schedule, or other similar document or decision pertaining to any regulatory or management program which is related to the protection, conservation, use of, or interference with the natural resources of land, air, or water in the State, and which is required prior to constructing or operating a project.

"Project" means any land or water use activity or any construction or operation which requires permits from one or more state agencies or permits from a state agency and a county or federal agency. Construction or operation of an activity may include, but need not be limited to housing, industrial, and commercial operations and developments.

§201- Consolidated application process. State agencies are required and county agencies are authorized and encouraged to participate in the consolidated application process set forth herein. The department shall serve as a lead agency for the consolidated application procedure. The procedure shall be as follows:

- (1) The applicant for two or more state permits may apply in writing to the department requesting a consolidated application process for the consideration of his application. The written request shall include sufficient data about the proposed project for the department to determine which other agencies or authorities may have jurisdiction.
- (2) Upon receiving a written request for the consolidated application process, the department shall notify all federal, state, and county agencies or authorities which the department determines may have

jurisdiction over part or all of the proposed project, and require those state agencies or authorities and invite those county and federal agencies or authorities to participate in the consolidated application process.

- (3) The applicant and each agency or authority required or agreeing to participate in the consolidated application process shall designate a representative to serve on the consolidated application review team.
- (4) Any state agency or authority designated by the department as a party to an application review that is not able to participate, shall submit an explanation, in writing, to the department as to the reasons and circumstances for non-compliance.
- (5) The representatives of the agencies, authorities, and the applicant may develop and sign a joint agreement among themselves identifying the members of the consolidated application review team, specifying the regulatory and review responsibilities of each government agency and setting forth the responsibilities of the applicant, and establishing a timetable for regulatory review, the conduct of necessary hearings, preparation of an environmental impact statement if necessary, and other actions required to minimize duplication and coordinate the activities of the applicant, agencies, and authorities.
- (6) Each agency or authority shall issue its own permit or approval based upon its own jurisdiction. The consolidated application process shall not affect or invalidate the jurisdiction or authority of any agency under existing law.
- (7) The applicant must apply directly to each federal or county agency which does not participate in the consolidated application process.

§201- Information services. The department shall:

- (1) Operate a permit information and coordination center for public use during normal working hours, which provides guidance in regard to the permits and procedures that may apply to specific projects; and
- (2) Maintain and update a repository of the laws, rules and regulations, procedures, permit requirements, and criteria of federal, state, and county agencies having control or regulatory power over land and water use for development or the control or regulatory power over natural, cultural, or environmental resources.

§201- Streamlining activities. The department may:

- (1) Monitor permits on an ongoing basis to determine the source of inefficiencies, delays, and duplications and the status of permits in progress;
- (2) Pursue the implementation of streamlining measures including, but not necessarily limited to, those measures defined in consultation with affected state agencies, county central coordinating agencies, and members of the public; and
- (3) Design applications, checklists, and other forms essential to the implementation of approved streamlining measures in coordination with involved state and county regulatory agencies, and members of the public.

§201- Reporting. The department shall report biennially to the legislature on actions taken, problems encountered, and legislative actions that may be needed to further implement the intent of this part."

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SECTION 5. This Act shall take effect upon its approval and shall be repealed on June 30, 1987.

(Approved June 5, 1985.)