

ACT 243

S.B. NO. 1079

A Bill for an Act Relating to Permit Processing.

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

SECTION 1. The purpose of this Act is to change the name of the consolidated application process to facilitated application process. The legislature recognizes that the present “consolidated application process” is often mistaken as a single permit application for all required state permits. Changing the name to “facilitated application process” will more accurately describe what the process does, namely, assists applicants in obtaining state and county permits, facilitates the application for and tracking of such permits, and makes the complicated permit application and approval process more efficient and predictable. The Act also amends the permit process task force enabling legislation to reflect needed changes in membership and sunset provisions.

SECTION 2. Section 201-62, Hawaii Revised Statutes, is amended:

(1) By amending the title to read as follows:

“§201-62 [Consolidated] Facilitated application process.”

(2) By amending subsections (a) to (d) to read as follows:

“(a) State agencies are required, and county agencies are authorized and encouraged, to participate in the [consolidated] facilitated application process set forth herein.

(b) The department shall serve as [a] the lead agency for the [consolidated] facilitated application procedure and shall be the lead agency to administer [and facilitate] the [consolidated] facilitated application procedure for any project that requires both county permit applications and state agency approval.

(c) The procedure shall be as follows:

- (1) An applicant for two or more state permits may apply in writing to the department requesting a [consolidated] facilitated application process for the consideration of the 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] facilitated application process, the department shall notify all federal, state, and

county agencies or authorities [which] that 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] facilitated application process;

- (3) The applicant and each agency or authority required or agreeing to participate in the [consolidated] facilitated application process shall designate a representative to serve on the [consolidated] facilitated 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 noncompliance;
- (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] facilitated 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] facilitated application process shall not affect or invalidate the jurisdiction or authority of any agency under existing law; and
- (7) The applicant shall apply directly to each federal or county agency that does not participate in the [consolidated] facilitated application process.

(d) If a state regulatory permit is necessary to obtain a county permit, then a county agreeing to participate in the [consolidated] facilitated application process may advise the applicant of the [consolidated] facilitated application procedure. To apply for the [consolidated] facilitated application procedure, applicants for county permits involving state permit approvals shall submit a form, which shall be issued by the department; provided that this procedure shall apply only to state permits that need to be approved by a state agency following a review of the plans and certifications submitted by the applicant. State permits that are approved by rule require only that the licensed design professional certify that the plans and specifications are in compliance with state rules. No review by a state agency is required for state approval. Plans and specifications requiring state agency review shall be submitted with the [consolidated] facilitated application procedure to the appropriate state agency, with a copy to the department. If a state permit is approved by rule, then the participating county shall provide a set of drawings and specifications submitted by the applicant to the state agency that developed the rules.

In developing the procedures for approval by rule and by review, permit requirements shall be clearly stated. Performance standards, rather than specific technologies or procedures, shall be specified when appropriate."

SECTION 3. Section 201-62.5, Hawaii Revised Statutes, is amended to read as follows:

"§201-62.5¹ **Permit process task force.** (a) To assist the department of business, economic development, and tourism in the [consolidated] facilitated application process, there is established a permit process task force within the department

for administrative purposes to streamline and facilitate the state permit approval process[.] for county building permit applications requiring state agency approval.

(b) The task force shall consist of [eleven] sixteen members[, who shall be appointed by the governor. The task force shall consist of:] as follows:

- (1) The comptroller or the comptroller's designated representative;
- (2) The director of business, economic development, and tourism or the director's designated representative;
- (3) The director of health or the director's designated representative;
- (4) The director of labor and industrial relations or the director's designated representative;
- (5) The chairperson of the board of land and natural resources or the chairperson's designated representative;
- (6) The director of transportation or the director's designated representative;
- (7) [Representatives] One representative of construction labor unions[: appointed by the governor];
- (8) [Representatives] Three representatives consisting of developers, licensed building contractors, and members of the American Institute of Architects Hawaii State Council and the Consulting Engineers Council of Hawaii[: and] appointed by the governor;
- (9) [A representative] Two representatives from the public at large[: appointed by the governor; and
- (10) One representative from each of the four counties appointed by the mayor of each county.

Each member of the task force shall serve [for a two-year term.] until June 30, 2002. The members of the task force shall serve without compensation, but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties. Any vacancy on the task force shall be filled in the same manner in which the original position was filled.

(c) The task force, in conjunction with each affected state agency, shall:

- (1) Examine the [consolidated] facilitated application process and review all state agency rules pertaining to the state permit approval process for² county building permit applications to determine the source of inefficiencies, delays, and duplications, and the status of permits in progress;
- (2) Identify all permits and approvals that the State currently requires from applicants seeking approvals for projects that require county permit applications;
- (3) Recommend to the governor which permits presently approved by review shall be approved by rule [and which permits shall be approved by review], including the justification for approving [each permit] the permits by rule [or by review]; and
- [(4) 4] Adopt a plan and make recommendations to enable all applicants seeking state agency approval for permits, to undergo the permit by rule procedure, rather than the permit by review procedure; and
- (5)] 4] Provide recommendations to expedite and facilitate the permit approval process within each state agency for applicants seeking state permit approvals to start construction.

(d) For purposes of this section:

“Permit by review” means permits approved by the appropriate state departments.

“Permit by rule” means permits approved by administrative rule.

(e) This section shall be repealed on June 30, 2002.”

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SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved July 2, 1999.)

Notes

1. So in original.
2. Should be underscored.