

JAN 25 2006

S.B. NO. 2406

A BILL FOR AN ACT

RELATING TO PERMIT APPROVALS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that automatic permit
2 approval may lead to unintended consequences. The county
3 charters and section 92-15, Hawaii Revised Statutes, generally
4 require that a majority of the full membership of a board or
5 commission must vote in favor of an action to make it valid.
6 Sometimes, a board will take a vote that is neither an approval
7 nor a denial because of vacancies or absences or disqualified
8 members. It has been argued that this can create an automatic
9 approval, even when a majority of the members of a board present
10 have voted against a proposal. Where a vote has occurred and
11 less than a majority has approved the project, the matter should
12 be continued rather than approved.

13 SECTION 2. Section 91-13.5, Hawaii Revised Statutes, is
14 amended by amending subsection (c) to read as follows:

15 "(c) All [~~such~~] issuing agencies shall take action to
16 grant or deny any application for a business or development-
17 related permit, license, or approval within the established
18 maximum period of time, or the application shall be deemed



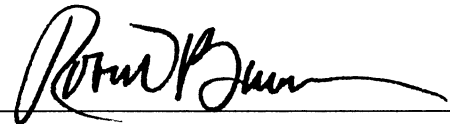
1 approved; provided that a delay in granting or denying an
2 application [~~caused by the lack of quorum~~] at a regular meeting
3 of the issuing agency shall not result in approval under this
4 subsection [~~provided further that any subsequent lack of quorum~~
5 ~~at a regular meeting of the issuing agency that delays the same~~
6 ~~matter shall not give cause for further extension, unless an~~
7 ~~extension is agreed to by all parties.~~] if the delay was caused
8 by the lack of quorum, a tie vote, or other vote with less than
9 a majority of the full membership of the board or commission
10 voting to approve the application."

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

14

INTRODUCED BY:



By Request



SB 2406

Report Title:

Automatic Permit Approval

Description:

Provides that automatic approval of applications for business- or development-related permits, licenses, or approvals will not occur when the board or commission's decision is delayed by a tie vote or other vote with less than a majority of the members of the commission or board.

