
A BILL FOR AN ACT

RELATING TO A DEPARTMENT OF PERMITTING.

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

1 SECTION 1. The legislature finds that obtaining permits,
2 licenses, and other approvals from state departments and
3 agencies is, often a long, time consuming, and frustrating
4 process, especially for small businesses and not-for-profit
5 groups that do not have the financial and personnel resources to
6 shepherd permit and license applications through multiple and
7 often duplicative and contradictory agency requirements.

8 The legislature further finds that, in these tough economic
9 times, it is fiscally responsible to seek out ways to reduce
10 unnecessary government spending without sacrificing services to
11 the general public. One step in reaching this goal is to
12 consolidate duplicative functions currently spread out among
13 different state agencies, thereby streamlining government
14 operations and offering better, faster, and more "to the point"
15 services to the people of Hawaii.

16 The purpose of this Act is to consolidate all permitting
17 and licensing functions and employees of state government into a



1 department of permitting. This will ensure better organization
2 and coordination of permitting functions, allow for standardized
3 training and processing procedures, and reduce duplicative
4 efforts.

5 SECTION 2. The Hawaii Revised Statutes is amended by
6 adding a new chapter to be appropriately designated and to read
7 as follows:

8 "CHAPTER

9 DEPARTMENT OF PERMITTING

10 § -1 Definitions. As used in this chapter, unless the
11 context otherwise requires:

12 "County agency" means a department, division, office,
13 officer, agency, or other organization of a county government,
14 including a county council.

15 "County law" means a county charter provision, ordinance,
16 or administrative rule.

17 "County permit" means a permit that is subject to approval
18 by a county agency pursuant to federal, state, or county law.

19 "Department" means the department of permitting.

20 "Director" means the director of permitting.

21 "Permit":



- 1 (1) Means any approval, no matter the nomenclature,
2 required by state law;
- 3 (2) Includes any license, permit, certificate,
4 certification, approval, compliance schedule, or other
5 similar document or decision pertaining to any
6 regulatory or management program required prior to
7 constructing or operating a project; providing a good
8 or service; operating a trade or business; or doing
9 any or all things regulated, controlled, or managed by
10 a state agency under state law.

11 "Permit plan" means the aggregated set of required permits,
12 coordinated by the department.

13 "State agency" means a department, division, office,
14 agency, or other organization of the state government, but not
15 the legislative branch of the state government.

16 "State law" means a state constitutional provision,
17 statute, or administrative rule.

18 § -2 Staff. The director may employ and dismiss staff
19 without regard to chapters 76 and 89, to assist the director in
20 the implementation of this chapter. The salary of each staff
21 member shall be set by the director; provided that staff members



1 shall be entitled to participate in any public employee benefit
2 program plan or privilege.

3 The director may contract persons, without regard to
4 chapter 103D, to assist the department in the implementation of
5 this chapter.

6 § -3 General powers. (a) The department may:

7 (1) Sue and be sued;

8 (2) Have a seal and alter the same at pleasure;

9 (3) Make and execute contracts and other instruments
10 necessary or convenient to the exercise of its powers
11 and duties; and

12 (4) Adopt rules in accordance with chapter 91 for its
13 organization, internal management, and to carry into
14 effect its purposes, powers, and programs.

15 (b) In addition to other powers conferred upon it, the
16 department may do all things necessary and convenient to carry
17 out the powers expressly provided in this chapter.

18 § -4 General duties of the department. (a) The
19 department shall have the function and responsibility to accept
20 and review all applications for a permit, license, or other
21 approval required under state law; and to issue, deny, or



1 condition the issuance of the required permit, license, or
2 approval. The department shall:

3 (1) Gather from the applicant any information the
4 department finds relevant and necessary for the
5 reviewing and processing of a permit application; and

6 (2) Coordinate public meetings to:

7 (A) Allow members of the affected communities to
8 provide input regarding the issuance of the
9 permit or license;

10 (B) Promote public awareness of the subject matter of
11 the proposed permit or license in the proposed
12 area; and

13 (C) Allow the department, the applicant, and any
14 applicable agency to gain public sentiment and
15 input regarding the proposed permit or license.

16 (b) Where the particular activity under review requires
17 additional approvals from federal agencies or under federal law
18 or permits or approvals from county agencies, the department
19 shall:

20 (1) Identify all permits, licenses, and approvals required
21 by those federal or county agencies; and



1 (2) Coordinate and facilitate the joint processing of the
2 application to ensure the timely review and obtain the
3 required permits and approvals.

4 (c) The department shall develop and establish a permit
5 plan application format and procedures that shall simplify and
6 expedite the permitting functions of state government.

7 (d) The department may charge appropriate application,
8 processing, issuance, and other permitting fees. All fees shall
9 be adopted pursuant to chapter 91, and shall be deposited into
10 the permitting special fund established under section -6.

11 § -5 **Permit plan; permit processing.** (a) The permit
12 plan shall be a working document, available to the public and
13 posted on the department's website, and shall be regularly
14 updated with current information. The permit plan shall be used
15 to promote efficiency and transparency in the permitting
16 process, including the coordinated and concurrent processing of
17 permits where possible, while ensuring opportunities for
18 appropriate public comment and participation, including public
19 hearings.

20 (b) The permit plan shall be designed to ensure that all
21 permits identified in the permit plan shall be processed and
22 either approved or denied no later than twelve months after the



1 date that the application is accepted by the director, subject
2 to any extensions that may be requested by the applicant.

3 § -6 Permitting special fund. (a) There is created
4 within the state treasury a permitting special fund, which shall
5 consist of:

- 6 (1) Moneys appropriated to the fund by the legislature;
- 7 (2) Fees and other charges collected by the department
8 under this chapter; and
- 9 (3) Moneys allotted to the fund from other sources.

10 (b) Moneys in the fund shall be expended by the department
11 for the purposes of this chapter.

12 § -7 Rules. The department may adopt rules pursuant to
13 chapter 91 to implement this chapter.

14 § -8 Reports. The department of permitting shall submit
15 an annual report to the governor and the legislature at least
16 twenty days prior to the convening of each legislative session
17 outlining its progress and activities under this chapter."

18 SECTION 3. Section 26-4, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "§26-4 Structure of government. Under the supervision of
21 the governor, all executive and administrative offices,
22 departments, and instrumentalities of the state government and



1 their respective functions, powers, and duties shall be
2 allocated among and within the following principal departments
3 that are hereby established:

4 (1) Department of human resources development (Section 26-
5 5) i

6 (2) Department of accounting and general services (Section
7 26-6) i

8 (3) Department of the attorney general (Section 26-7) i

9 (4) Department of budget and finance (Section 26-8) i

10 (5) Department of commerce and consumer affairs (Section
11 26-9) i

12 (6) Department of taxation (Section 26-10) i

13 (7) University of Hawaii (Section 26-11) i

14 (8) Department of education (Section 26-12) i

15 (9) Department of health (Section 26-13) i

16 (10) Department of human services (Section 26-14) i

17 (11) Department of land and natural resources (Section 26-
18 15) i

19 (12) Department of agriculture (Section 26-16) i

20 (13) Department of Hawaiian home lands (Section 26-17) i

21 (14) Department of business, economic development, and
22 tourism (Section 26-18) i



- 1 (15) Department of transportation (Section 26-19);i
- 2 (16) Department of labor and industrial relations (Section
- 3 26-20);i
- 4 (17) Department of defense (Section 26-21);i
- 5 (18) Department of public safety (Section 26-14.6) [-]; and
- 6 (19) Department of permitting (Section 26-)."

7 SECTION 4. During the interim period before the convening
 8 of the 2011 regular legislative session, the governor shall
 9 prepare an organizational and functional plan for the department
 10 of permitting, and a plan for the orderly transition of the
 11 functions transferred by this Act. The organizational and
 12 functional plan shall be submitted to the legislature no later
 13 than twenty days prior to the convening of the 2011 legislative
 14 session.

15 SECTION 5. (a) There is created a task force within the
 16 office of the governor for administrative purposes only. Member
 17 of the task force shall include:

- 18 (1) At least one representative from each state department
- 19 with permitting powers;
- 20 (2) A representative from each county, appointed by the
- 21 mayor of the county, who shall have knowledge and



1 experience in the permit processing procedures used by
2 that county;

3 (3) Three members, appointed by the governor, to represent
4 small business;

5 (4) Three members, appointed by the governor, to represent
6 developers, investors, and large landowners;

7 (5) Three members appointed by the president of the
8 senate; and

9 (6) Three members appointed by the speaker of the house of
10 representatives.

11 Members of the task force shall be exempt from section 26-34,
12 Hawaii Revised Statutes, and shall serve without compensation
13 but shall be reimbursed for expenses necessary for the
14 performance of their duties, including travel expenses.

15 (b) The task force shall:

16 (1) Assist the governor in identifying departments and
17 units of state government with permitting powers; and
18 compile data relating to internal procedures for
19 processing permit applications, criteria used to
20 determine whether a permit is issued or denied,
21 compliance and oversight over permittees, and
22 enforcement actions used, if any;



1 (2) Compile information on areas or issues where
2 applicants, permittees, and the general public have
3 expressed dissatisfaction with each department's
4 permit procedures;

5 (3) Review all policies and procedures with a view to
6 identifying overlapping, redundant, or contradictory
7 regulations and procedures; and

8 (4) Formulate an organizational structure for a department
9 of permitting that will encompass permitting duties
10 and responsibilities of all state departments in a
11 "one-stop-shop".

12 (c) The task force shall report its findings to the
13 legislature no later than twenty days prior to the regular
14 session of 2011.

15 (d) The task force shall cease to exist on June 30, 2011.

16 SECTION 6. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 7. This Act shall take effect upon its approval;
19 provided that in the event that the legislature fails to enact a
20 bill establishing the powers, duties, and other provisions of
21 the department of permitting during the regular session of 2011,
22 this Act shall be repealed and section 26-4, Hawaii Revised



1 Statutes, shall be reenacted in the form in which it read on the
2 day before the effective date of this Act.

3

INTRODUCED BY:

Joe Lombardi

JR

Carly

Cynthia Hoeben

Amangin

Barbara Mamamoto



Report Title:

Department of Permitting

Description:

Creates a department of permitting. Requires governor to prepare organizational and functional plan for transition to new department. Establishes task force within governor's office to determine functions and responsibilities to be transferred to new department. Report to legislature in 2011.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

