
A BILL FOR AN ACT

RELATING TO DEVELOPMENT.

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

1 SECTION 1. Section 91-13.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§91-13.5 Maximum time period for business or development-**
4 **related permits, licenses, or approvals[+], including**
5 **agricultural parks and non-agricultural park lands; automatic**
6 **approval; extensions.** (a) Unless otherwise provided by law, an
7 agency shall adopt rules that specify a maximum time period to
8 grant or deny a business or development-related permit, license,
9 or approval; provided that the application is not subject to
10 state administered permit programs delegated, authorized, or
11 approved under federal law.

12 (b) All [~~such~~] business or development-related permit,
13 license, or approval issuing agencies shall clearly articulate
14 informational requirements for applications and review
15 applications for completeness in a timely manner.

16 (c) All [~~such~~] business or development-related permit,
17 license, or approval issuing agencies shall take action to grant
18 or deny any application for a business or development-related



1 permit, license, or approval within the established maximum
2 period of time, or the application shall be deemed approved;
3 provided that a delay in granting or denying an application
4 caused by the lack of quorum at a regular meeting of the issuing
5 agency shall not result in approval under this subsection;
6 provided further that any subsequent lack of quorum at a regular
7 meeting of the issuing agency that delays the same matter shall
8 not give cause for further extension, unless an extension is
9 agreed to by all parties.

10 (d) Notwithstanding any other law to the contrary, any
11 agency that reviews and comments upon an application for a
12 business or development-related permit, license, or approval for
13 a housing project developed under section 201H-38 or any
14 agricultural structure or infrastructure or agricultural energy-
15 related structure or infrastructure in any agricultural park or
16 on any non-agricultural park lands shall respond within forty-
17 five days of receipt of the application, or the application
18 shall be deemed acceptable as submitted to the agency.

19 (e) The maximum period of time established pursuant to
20 this section shall be extended in the event of a national
21 disaster, state emergency, or union strike, which would prevent



1 the applicant, the agency, or the department from fulfilling
2 application or review requirements.

3 (f) This section shall not apply to:

4 (1) Any proceedings of the public utilities commission; or

5 (2) Any county or county agency that is exempted by county
6 ordinance from this section.

7 (g) This section shall apply to any development-related
8 permit, license, or approval required for any development or
9 improvements within any agricultural park, as defined in section
10 166-2, and any non-agricultural park lands under chapter 166E,
11 as defined in section 166E-2.

12 [~~g~~] (h) For purposes of this section, "application for a
13 business or development-related permit, license, or approval"
14 means any state or county application, petition, permit,
15 license, certificate, or any other form of a request for
16 approval required by law to be obtained prior to the formation,
17 operation, or expansion of a commercial, agricultural, or
18 industrial enterprise, or for any permit, license, certificate,
19 or any form of approval required under sections 46-4, 46-4.2,
20 46-4.5, 46-5, and chapters 166, 166E, 183C, 205, 205A, 340A,
21 340B, 340E, 340F, 342B, 342C, 342D, 342E, 342F, 342G, 342H,
22 342I, 342J, 342L, and 342P.



1 SECTION 2. Section 166E-2, Hawaii Revised Statutes, is
2 amended by amending the definition of "non-agricultural park
3 lands" to read as follows:

4 "Non-agricultural park lands" means lands that [~~are~~]:

- 5 (1) Are designated in the agricultural district;
- 6 (2) Were transferred by the department of land and natural
7 resources to the department of agriculture pursuant to
8 Act 90, session laws of Hawaii 2003; and
- 9 (3) Are not designated as agricultural parks pursuant to
10 chapter 166."

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.

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INTRODUCED BY:

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Report Title:

Agricultural Parks; Non-agricultural Park Lands; Permits

Description:

Requires agencies issuing permits, licenses, or approval to expedite permit applications of developments or improvements within agricultural parks and non-agricultural park lands.

