

ACT 38

H.B. NO. 2791

A Bill for an Act Relating to the Business Action Center.

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

SECTION 1. The legislature finds that there is a need to update the enabling laws for the business action center by adding additional duties and activities, eliminating obsolete functions, and correcting the name of the center and the department. This Act further acknowledges that the advent of technological change and growing business preferences for electronic services and credit card payments necessitate program modernization.

SECTION 2. Chapter 201D, Hawaii Revised Statutes, is amended to read as follows:

**“[[CHAPTER 201D]]
BUSINESS [PERMITS SERVICE] ACTION CENTER**

§201D-1 Definitions. For purposes of this chapter, unless the context clearly requires otherwise:

“Applicant” means any person acting on the person’s own behalf or who is authorized to act on behalf of any other person for the purpose of securing required permits to engage in business [or commercial] activities in the State.

“Center” means the business [permits service] action center established in section 201D-2.

“Department” means the department of business, economic development, and tourism.

“Director” means the director of business, economic development, and tourism.

“Permit” means any license, certificate, registration, or any other form of authorization required by a federal, state, or county department or agency to engage in any business [or commercial] activity, excluding vocational and professional occupational licenses, certificates, or registration and environmental permits.

“Person” means any individual, proprietorship, partnership, association, cooperative, corporation, nonprofit organization, and any other organization required to obtain one or more permits for the conduct of its business [or commercial] activities.

“State agency” means any department, board, bureau, commission, division, office, council, or agency of the State, or a public benefit corporation or public authority having at least one member appointed by the governor.

[[§201D-2]] Business [permits service] action center established; staff.

(a) There is established within the department a business [permits service] action center which shall provide information and services to coordinate, simplify, and expedite permit application processing for persons engaged in or intending to engage in business [or commercial] activities in the State. The center shall assist in the development of neighbor island operations that deliver similar services. The center shall also serve as an information clearinghouse which makes available to any person general information as to state and federal laws and rules and county ordinances and financial assistance programs related to business [or commercial] activities.

(b) The center shall be headed by a supervisor who shall be appointed by the director without regard to chapters 76 and 77 and shall serve at the director’s pleasure. The director, without regard to chapters 76 and 77, may employ such other personnel as are required to carry out the functions of the center under this chapter.

[[§201D-3]] General functions; powers and duties. [(a)] The center shall have the following functions, powers, and duties:

- (1) [To accept] Accept permit and license applications and associated fees on behalf of participating agencies in accordance with agreements reached with these agencies;
- (2) Provide comprehensive information on permits and licenses required for business [or commercial] activities in the State;
- (3) Facilitate contacts between the applicant and state agencies with permit and license functions;
- (4) Research, compile, and maintain a file of state and federal laws and rules and county ordinances applicable to the various business [or commercial] activities for which permits and licenses are required[,] including but not limited to[,] laws relating to employer requirements in such areas as state taxes, workers’ compensation, and unemployment insurance;
- (5) Research, compile, and maintain a file of various financial assistance programs available for business [and commercial] activities in the State;
- (6) Encourage and facilitate the cooperation and participation of federal and county government agencies [on] in permit and license coordination;
- (7) Promote and publicize the center’s services to the public, and provide information on its services for inclusion in any public informational material for permits and licenses provided by a state agency;
- (8) Make recommendations to state agencies for eliminating, consolidating, simplifying, expediting, or otherwise improving permit and license procedures affecting business [or commercial] activities; [and]
- (9) Adopt rules, procedures, instructions, and forms as are necessary to carry out the functions, powers, and duties of the center[.]; and

- (10) Accept credit card payments and facsimile or digitized signatures for business permit, license, or registration filing fees, as authorized by the issuing agency.

(b) The center shall provide a toll-free telephone business information service within the State and direct telephone lines to those agencies that have a direct relationship to permit functions.]

[[§201D-4]] Cooperation from state agencies. The director may request and shall be entitled to receive from any state agency, such assistance, services, facilities, and data the director deems necessary to carry out the duties of the center. Each state agency with permit or license issuance functions covered under this chapter, shall cooperate with the center by designating a staff person to coordinate the agency's efforts in providing information to the center on its permit or license process, and to the extent possible, by providing a prompt response to requests for expediting [the] permit [application] or license applications or for information. In addition, the director shall be entitled to obtain personnel on a loaned basis from those agencies that issue permits or licenses to businesses including[,] but not limited to[,] the department of commerce and consumer affairs, the department of taxation, and the department of labor and industrial relations. The director may assign such loaned personnel to the center.

[[§201D-5]] Comprehensive permit and license information file. Each state agency that is required to review, approve, or grant permits or licenses for business [or commercial] activities shall report to the center on a form prescribed by the center, each and every type of review, approval, license, and permit administered by [the state] that agency. Application forms, applicable agency rules, and the estimated time period necessary for [permit] application consideration based on experience and statutory or administrative rule requirements shall accompany each state agency report. Subsequent to the filing of the report, the state agency shall submit reports to the center on any new [permit] requirement or modifications to existing [permit] requirements together with applicable forms, rules, and other information required to be filed in the initial report. Upon receipt of those reports, the center shall establish and maintain a comprehensive information file which provides ready access to the most current information as provided by the state agencies.

[[§201D-6]] Immunity from liability. The opinions offered and the services rendered by the center under this chapter shall be considered facilitative in nature, and the center shall not be liable for any consequences resulting from an applicant's failure to obtain a required permit[,] or license, and any information provided by the center or any omission of information by the center shall not relieve any applicant from, or constitute a waiver of, the obligation to secure a required permit[,] or license.

[[§201D-7]] Compilation of statistical data; annual report. The center shall obtain and keep, on an annual basis, appropriate statistical data regarding the number of permits, licenses, and registrations issued by state agencies, the amount of time involved in [the] processing [of permits, the cost of processing permits,] the permits, licenses, and registrations, the types of activities for which permits and licenses have been issued, a geographic distribution of the permits and licenses issued, and other pertinent data the director deems necessary for analysis for future planning purposes. The department shall submit an annual report to the governor and the legislature which shall include a description of the operations of the center,

summaries and analyses of statistical data compiled, and recommendations for any administrative or statutory changes required to further the purposes of this chapter.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved April 29, 1998.)