



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Agriculture
February 4, 2009 at 9:00 am

by
James R. Gaines
Vice President for Research, University of Hawai'i

HB 213 – RELATING TO DEVELOPMENT

The University of Hawai'i is a driving force behind the State's economy (see "The Contribution of the University of Hawai'i to Hawai'i's Economy," available at <http://www.hawaii.edu/offices/app/econimpact/report2007.pdf>, identifying the University as a "1.66 Billion Dollar Player in Hawai'i's Economy"). Our research activities generate millions in revenue for the State and create thousands of jobs. In these difficult economic times, the University's capacity to conduct research is a critical element of the State's economic revitalization. The approval of permits, licenses and approvals from State agencies in a timely fashion is critical to the University's ability to perform its research and educational activities.

Despite its significant contributions to the State's economy, the University is currently excluded from the maximum time period of permit approvals, disapprovals, extensions, or automatic approvals (see, for example, HAR §4-71-4.1, which excludes the University from maximum time periods).

The University's exclusion from these maximum time periods has resulted in the loss of revenue for the University; it threatens the University's ability to effectively conduct research and generate income; it threatens jobs.

By ensuring that State agencies review permit applications within a reasonable period of time will help the University maintain a healthy revenue stream and by extension help the revitalization of the State economy. We urge the committees to pass H.S. No. 213 with the provided amendments. Thank you for this opportunity to testify.

Report Title:

Agricultural Parks; Non-agricultural Park Lands; Permits

Description:

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

HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

H.B. NO. 213

A BILL FOR AN ACT

RELATING TO DEVELOPMENT.

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

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

"§91-13.5 Maximum time period for business, research, education or development-related permits, licenses, or approvals[~~],~~ including state lands, agricultural parks and non-agricultural park lands; automatic approval; extensions. (a)

Unless otherwise provided by law, an agency shall adopt rules that specify a maximum time period to grant or deny a business or development-related permit, license, or approval; provided that the application is not subject to state administered permit programs delegated, authorized, or approved under federal law.

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

(c) All [~~such~~] business, research, education or development-related permit, license, or approval issuing agencies shall take action to grant or deny any application for a business, research, education or development-related permit, license, or approval within the established maximum period of time, or the application shall be deemed approved; provided that a delay in granting or denying an application caused by the lack of quorum at a regular meeting of the issuing agency shall not result in approval under this subsection; provided further that any subsequent lack of quorum at a regular meeting of the issuing agency that delays the same matter shall not give cause for further extension, unless an extension is agreed to by all parties; provided further that research and educational institutions shall not be excluded from established maximum periods of time.

(d) Notwithstanding any other law to the contrary, any agency that reviews and comments upon an application for a business or development-related permit, license, or approval for a housing project developed under section 201H-38 or any agricultural structure or infrastructure or agricultural energy-

related structure or infrastructure in any agricultural park or on any non-agricultural park lands shall respond within forty-five days of receipt of the application, or the application shall be deemed acceptable as submitted to the agency.

(e) The maximum period of time established pursuant to this section shall be extended in the event of a national disaster, state emergency, or union strike, which would prevent the applicant, the agency, or the department from fulfilling application or review requirements.

(f) This section shall not apply to:

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

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

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

~~(g)~~ (h) For purposes of this section, "application for a business, research, education or development-related permit, license, or approval" means any state or county application, petition, permit, license, certificate, or any other form of a request for approval required by law to be obtained prior to the formation, operation, or expansion of a commercial, agricultural, , research, education or industrial enterprise, or

for any permit, license, certificate, or any form of approval required under sections 46-4, 46-4.2, 46-4.5, 46-5, and chapters 150A, 166, 166E, 183C, 205, 205A, 340A, 340B, 340E, 340F, 342B, 342C, 342D, 342E, 342F, 342G, 342H, 342I, 342J, 342L, and 342P.

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

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

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

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

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

INTRODUCED BY: _____