SB 1535

RELATING TO REGULATORY PROCESSES

Senate Committee on Commerce and Consumer Protection
Senate Committee on Labor and Environment

Public Hearing - February 17, 1999
9:00 a.m., Room 016, State Capitol

by
John T. Harrison, Environmental Center

SB 1535 amends Section 91-13.5, HRS, to subject time limits for permit approval to reasonable conditions and good cause extensions, and exempts permits granted under Chapter 205A from the automatic approval process.

Our statement on this measure does not constitute an institutional position of the University of Hawaii.

Those familiar with the art of navigation know that in order to know where you're going, you have to know where you've been. Reference to the government's duty to govern in Section 1 of this measure prompts recollection of the origins of the word, "govern", from the Latin, *gubernare*, meaning "to steer". Appropriately, the operation of an automatic permit approval system, then, is a governmental equivalent of putting a ship on automatic pilot. Ample headway is gained at great efficiency, because nobody is at the helm.

Defense of the automatic approval measure generally has invoked either dogmatic faith that it is the miracle elixir for an ailing state economy, or a somewhat less optimistic appeal to "give it a chance to work." In rebuttal to the former premise, it's worth noting that the very same vilified system of regulatory permits was in force all the way through the boom economy of the 80s without the apparent stifling effect now attributed to it. As for the latter argument, giving it a chance to work is the same as giving it a chance to fail, and neither business nor the public trust can afford the cost of a failure.

The efficiency of an automatic pilot rapidly becomes a liability in treacherous waters, and prudence, as well as the centuries-long tradition of admiralty law, demands the maintenance of a sharp lookout. The provisions of SB 1535 are reasonable, restrained, and deliberate in their assignment of the responsibility for government to the chief executive.