

## **Small Business Regulatory Review Board**

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### **MINUTES OF REGULAR MEETING**

**December 29, 2010**

**Conference Room 410 - No. 1 Capitol District Building, Honolulu, Hawaii**

**I. CALL TO ORDER:** Chair Pang called the meeting to order at 10:38 a.m. with a quorum present.

**MEMBERS PRESENT:**

- Charles Au
- David De Luz Jr.
- Dorvin Leis
- Sharon Pang
- Richard Schnitzler
- Peter Yukimura

**ABSENT MEMBER:** Bruce Bucky

**STAFF:**

DBEDT

Milton Kwock

Office of the Attorney General

Margaret Ahn

**II. APPROVAL OF OCTOBER 13, 2010 MINUTES**

During review of the minutes, a question was posed as to the wording of the Board's recommendation under "Old Business," item IIIIG, post public hearing statement of proposed amendments to Chapter 13-74, HAR, "License and Permit Provisions and Fees for Fishing, Fish, and Fish Products" and Chapter 13-94, HAR, "Bottomfish Management." Staff will review the audio record of the meeting and make revisions to the minutes should it be warranted. Approval of October 13, 2010 minutes were put on hold until the January 18, 2011 Board meeting

**III. OLD BUSINESS**

**A. Post public hearing statement of proposed amendments to Chapter 16-89, HAR, "Relating to Nurses" (DCCA).**

The Board reviewed and discussed the post public hearing statement submitted by DCCA and noted that the Department had made positive revisions to the proposed amendments based on suggestions and comments made by the Board at the June 29, 2010 meeting.

Mr. De Luz offered a motion to send a memo recommending that the Governor approve the proposed amendments. Mr. Yukimura seconded that motion and the Board voted unanimously in favor of the motion.

**B. Update on the status of nominees to the Small Business Regulatory Review Board (Staff)**

Staff reported that the Governor's Office of Boards and Commissions has not made a decision on the three nominees forwarded to their office by the Board after the June 29, 2010 meeting. Board members commented that the lack of action sends a bad image to current and future nominees to the Board. The Board recommended that Roland Sagum III's application be placed on the January 18, 2011 agenda for discussion. Kauai and Maui are authorized to have two representatives on the Board but currently have only one each.

**IV. NEW BUSINESS**

**A. Proposed amendments to Chapter 13-5, HAR, "Conservation District Subzone Designation" (DLNR)**

Ms. Tiger Mills, DLNR staff, gave a brief overview of the proposed amendments. DLNR proposes to designate 28 acres of conservation land under the proposed amendments. The parcel was originally zoned agriculture and was converted to conservation. Without the subzone designation no land use is allowed. Ms. Mills mentioned that the land owner intends to preserve the ridgeline of the property. Examples of what's allowed under subzone designation are: parks, resource management, single family residences and development for public purpose.

DLNR has already gone to public hearing on December 10, 2010.

Mr. Schnitzler offered a motion to send a memo recommending that the Governor approve DLNR's request (after the fact) to send the proposed amendments to public hearings and that DLNR need not return to the Board after the public hearing since the proposed amendments had no small business impact. Mr. Yukimura seconded the motion and the Board voted unanimously in favor of the motion.

**B. Post public hearing statement of proposed adoption of Chapter 17-105, Maui County Code, "Rules Relating to Plastic Bag Reduction" (Maui County)**

Mr. Leis mentioned that the proposed rules were initiated by the community. Plastic bags have been an environmental problem and public nuisance for quite a while. Based on testimony submitted by the County, the business community is well aware of the proposed rules and supports the adoption of rules.

Mr. De Luz offered a motion to send a memo to the Maui County Council and the Maui Mayor recommending that the Mayor support the adoption the proposed rules even though the Board received the proposed rules post public hearing. He also recommended that the memo remind the County to send proposed amendments and proposed new rules to the Board before going to public hearing. Mr. Leis seconded the motion and the Board voted unanimously in favor of the motion.

**C. Proposed amendments to Chapter 17-1709.2, HAR, "State Funded Hawaii Premium Plus" and Chapter 17-1709.3, HAR, "State with Federal Match Funded Hawaii Premium Plus" (DHS)**

The Board acknowledged that the proposed amendments will have a positive effect on small business employers.

Mr. De Luz offered a motion to send a memo recommending that the Governor approve DHS' request to send the proposed amendments to public hearing and that DHS need not return to the Board after the public hearings. Mr. Au seconded the motion and the Board voted unanimously in favor of the motion.

**V. REPORT FROM CHAIR**

Chair Pang reported to the Board that the following proposed amendments to rules and new rules had no perceivable small business impact and were not subject to Board discussion and review:

- A. Post public hearing statement of proposed amendments to Chapter 16-110, HAR, "Relating to Physical Therapy" (DCCA)
- B. Proposed amendments to Chapter 8-63, HAR, "Civil Service Rules (DOE)"
- C. Post public hearing statement of proposed amendments to Chapter 16-92, HAR, "Relating to Optometrists" (DCCA)

**VI. REPORT FROM BOARD MEMBERS**

**A. Honolulu Japanese Chamber of Commerce Business Executive/Legislator Roundtable**

Mr. Yukimura gave details of the January 13, 2011 event. As a panelist on the roundtable, he offered to use the opportunity to share any concerns the Board may have with current or proposed rules or legislation that may have a negative impact on small business. He also offered to speak to Senator Carol Fukunaga about getting nominees to the Board approved by the Governor's Office.

Mr. De Luz mentioned a concern he had with the University of Hawaii not having to go through the Department of Accounting & General Services procurement process for CIP contracts. He asked staff to contact the University to clarify if new rules were in place to allow this to happen.

**VII. ANNOUNCEMENTS**

**VIII. NEXT MEETING** – Tuesday, January 18, 2011, 250 South Hotel Street, Honolulu, HI, Room 410.

**IX. ADJOURNMENT** – The meeting adjourned at 11:24 a.m.