

## **Small Business Regulatory Review Board**

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### **MINUTES OF REGULAR MEETING**

**February 23, 2011**

**Conference Room 436 - No. 1 Capitol District Building, Honolulu, Hawaii**

**I. CALL TO ORDER:** Chair Pang called the meeting to order at 10:41 a.m. with a quorum present.

**MEMBERS PRESENT:**

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

**ABSENT MEMBER:**

**STAFF:**

DBEDT

Milton Kwock

Office of the Attorney General

Margaret Ahn

**II. APPROVAL OF JANUARY 18, 2011 MINUTES**

Mr. Au made a motion to accept the January 18, 2011 minutes as revised. Mr. De Luz seconded the motion and the Board members unanimously affirmed the motion.

**III. OLD BUSINESS**

**A. Post public hearing statement on proposed amendments to Chapter 16-88, HAR, "Relating to Naturopaths" (DCCA)**

After reviewing the post public hearing statement submitted by DCCA, Mr. DeLuz offered a motion to send a memo recommending that the Governor approve the department's request to adopt the proposed amendments. Mr. Bucky 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)**

The Governor's Office of Boards and Commissions has directed the four to submit their application on the Governor's website. The Board continues its mission with only seven members. The Board has had to cancel several scheduled meetings due to lack of quorum and staff has continued to keep in contact with Tony Benebese, Manager of the Governor's Office of Boards and Commissions, to stress the importance of acting on the nominees submitted by the Board to fill the vacant positions.

**IV. NEW BUSINESS**

**A. Proposed repeal of Chapter 15-22, HAR, and adoption of Chapters 15-217, HAR, "Relating to the Kakaako Community Development District Mauka Area" and 15-218, HAR, "Relating to Kakaako Reserved Housing" (DBEDT/HCDA) – Anthony Ching, HCDA Executive Director, gave a presentation on the rules package being reviewed by the Board. In addition to covering HCDA's mission, Mr. Ching explained HCDA's use of "form-based" rules which allows the neighborhood more choices and flexibility as long as the physical form makes sense. Mr. Ching and his staff explained the extensive outreach the agency conducted to survey and solicit feedback from the area's residents, business and land owners. HCDA continues to engage stakeholders on an ongoing basis since they want to be part of the planning process. By crafting strong rules, the agency relines less on interpretation of said rules. The agency's web portal allows interested parties a way to offer feedback and two-way communication with staff.**

After suggesting that HCDA contact stakeholders prior to going to public hearing, Mr. Schnitzler offered a motion to send a memo recommending that the Governor approve HCDA's request to hold public hearings on the proposed rules package. Mr. Yukimura seconded the motion and the Board voted unanimously in favor of the motion.

- B. Proposed repeal of Chapter 15-200, HAR, "Rules for Health and Safety within the Kalaeloa Community Development District" and adoption of Chapters 15-215, HAR, "Kalaeloa Community Development District Rules" and 15-216, HAR, "Kalaeloa Community Development District Reserved Housing Rules" (DBEDT/HCDA) – Anthony Ching, HCDA Executive Director, gave a presentation on the rules package being reviewed by the Board. With extensive use of color coded maps, Mr. Ching and staff were able to identify for the Board the major land owners of the 3,700 acre area formerly called Barbers Point Naval Air Station. Current land owners include the U.S. Navy, State Department of Transportation, Department of Hawaiian Homelands, and the land owners. HCDA has to work as a zoning administrator while dealing with a lack of infrastructure. HCDA has development an infrastructure master plan for the area.

Land owners and users want to know what to expect and the agency has established these draft rules so the community can move forward. Mr. Yukimura offered a motion to send a memo recommending that the Governor approve HCDA's request to hold public hearings on the proposed rules package. Mr. Au seconded the motion and the Board voted unanimously in favor of the motion.

- C. Chu Lan Schubert-Kwock's application to fill an Oahu vacancy on the Board – The Board acknowledged that it has already forwarded three very qualified nominees to fill two Oahu vacancies. The consensus of the Board was to take no action on this application.
- D. Legislative update – HB980, HD1 and SB1498, both Relating to the Small Business Regulatory Review Board (Staff) – Staff updated the Board on SB1498, SD1, which differs from HB980, HD1 by adding language to transfer the SBRRB from DBEDT to DCCA.

Mr. Au offered a motion to delegate drafting of testimony and attending hearings on the two bills to Board members, noting that the Board opposes SB1498, SD1 and is in support of HB980, HB1. Mr. De Luz 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 either no perceivable small business impact or a positive impact and were not subject to Board discussion and review:

- A. Post public hearing statement of proposed amendments to Chapter 12-12-60, 12-12-61 and 12-12-63, HAR, "Prepaid Health Care Act" (DLIR)
- B. Post public hearing statement of proposed amendments to Chapter 12-12-10, HAR, "Workers' Compensation Law," 12-14-36, HAR, "Vocational Rehabilitation Rules" and 12-12-15, HAR, "Workers' Compensation Medical Fee Schedule" (DLIR)
- C. Proposed amendments to Chapter 13-146, HAR, Subchapter 5, "Iolani Palace State Monument." (DLNR)
- D. Meeting with Richard Lim, Interim DBEDT Director, after regular Board meeting.

#### **VI. REPORT FROM BOARD MEMBERS - None**

#### **VII. ANNOUNCEMENTS - None**

**VIII. NEXT MEETING** – Wednesday, March 16, 2011, 250 South Hotel Street, Honolulu, HI, Room 410.

**IX. ADJOURNMENT** – The meeting adjourned at 1:50 p.m.