



## SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism  
No. 1 Capitol District Bldg., 250 South Hotel St. 5<sup>th</sup> Fl., Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Tel 808 586-2594  
Fax 808586-3388

Neil Abercrombie  
Governor

Richard C. Lim  
Director, DBEDT

Mary Alice Evans  
Deputy Director, DBEDT

### Members

Sharon L. Pang  
Chairperson  
Oahu

Charles Au  
Vice Chairperson  
Oahu

Richard Schnitzler  
2<sup>nd</sup> Vice Chairperson  
Hawaii

Bruce Bucky  
Oahu

Peter Yukimura  
Kauai

David S. De Luz, Jr.  
Hawaii

Howard West  
Oahu

Chu Lan Shubert-Kwock  
Oahu

### AGENDA Wednesday, March 21, 2012 ★ 10:30 a.m. No. 1 Capitol District Building 250 South Hotel Street - Conference Room 436

#### I. Call to Order

#### II. Approval of February 3, 2012 Minutes

#### III. Old Business – Review and Discussion of the following:

- A. Small Business Statement After Public Hearing for the proposed amendments to Hawaii Administrative Rule (HAR), Title 4 Chapter 72, Plant Intrastate Rules (Department of Agriculture) – *See Exhibit 1*
- B. Small Business Statement After Public Hearing for the proposed amendments to HAR Title 12 Chapter 46, Subchapter 9, Disability Discrimination (Department of Labor and Industrial Relations) – *See Exhibit 2*
- C. Small Business Statement After Public Hearing for the proposed amendments to Part IV of the Rules and Regulations of the Kauai County Department of Water – Section I – General Use Rates – revises service charges and use charges; Section III – Agricultural Rates – revises service and consumption charges; Section V – Private Fire Service Charges – revises services charges; Section X – Cost of Power Adjustment Clause – revises Schedule A, Anticipated Unit Power Costs (County of Kauai Department of Water) – *See Exhibit 3*

#### IV. New Business – Review and Discussion of the following:

- A. Proposed amendments to HAR Title 17 Chapter 1700, Overview; HAR Title 17 Chapter 1721, Medical Assistance to Aged, Blind, or Disabled Individuals; HAR Title 17 Chapter 1721.1 QUEST Expanded Access; HAR Title 17 Chapter 1727, Hawaii Health QUEST; Title 17 Chapter 1728, QUEST-Net; Title 17 Chapter 1728.1, QUEST-ACE; HAR Title 17 Chapter 1732, Coverage of Blind or Disabled Pregnant Women and Children; HAR Title 17 Chapter 1735, General Provisions for Fee for Service Medical Assistance; HAR Title 17 Chapter 1737, Scope and Contents of the Fee for Service Medical Assistance Program (Department of Human Services) – *See Exhibit 4*
- B. Proposed new rules, Sunshine Market Rules (County of Kauai) – *See Exhibit 5*

- C. Proposed amendments to Title 8, Chapter 101, Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui, and Title 8 Chapter 102, Rules Governing Administrative Practices and Procedures of the Liquor Commission and Liquor Control Adjudication Board of the County of Maui (County of Maui Liquor Commission) – *See Exhibit 6*

**V. Legislative Matters**

- A. Senate Bill 2739 SD2, Relating to the Small Business Regulatory Review Board – Authorizes the small business regulatory review board to require an agency to conduct another public hearing on a rule change when the rulemaking agency declines to make changes requested at the first hearing and the agency's small business statement, submitted after the hearing, indicates inconsistency with its earlier determination or does not address the public's concerns.
- B. House Bill 2268 HD 2, Relating to Small Business - Authorizes the small business regulatory review board to require an agency to conduct another public hearing on a rule change when the rulemaking agency declines to make changes requested at the first hearing and the agency's small business statement, submitted after the hearing, indicates inconsistency with its earlier determination or does not address the public's concerns.
- C. Governor's Message No. 521, Submitting for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Howard West, for a term to expire 6-30-2016.
- D. Governor's Message No. 520, Submitting for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Chu Lan Shubert-Kwock, for a term to expire 6-30-2016.
- E. Senate Bill 2737 SD1 Relating to Public Meetings – Allows a public meeting to be conducted by audio communication alone, and requires a meeting to be terminated if audio communication cannot be maintained at all meeting locations where a board member is physically present. Also prevents action upon an agenda item if the visual aids required for that item are not available for all participants at all meeting locations within 15 minutes after audio-only communication is used.
- F. Senate Bill 2234 SD2 Relating to Electronic Information – Requires all state and county Sunshine Law boards to electronically post agendas and eliminates need to file hard copies; requires state (but not county) boards to electronically post, within 30 days after a public meeting, the board's minutes and written materials that were presented at the meeting. Allows for meeting notification by e-mail.

**VI. Board Administrative Matters**

- A. Report from Board members on discussions with Governor's Office, State legislators, and small business community regarding Board's role and duties under Chapter 201M, Hawaii Revised Statutes (HRS).
- B. Update and Status of the RegAlert project, a communication tool intended to facilitate small business owners' awareness of new and/or proposed administrative rules via electronic mail, which provides a means for small businesses to communicate their comments on the rules to the State through this Board.
- C. Discussion of recruiting potential new Board members, pursuant to Chapter 201M-5(b), HRS.

**VII. Announcements**

**VIII. Next Meeting:** Wednesday, April 18, 2012, No. 1 Capitol Building, 250 South Hotel Street, Conference Room 436, Honolulu, HI

**IX. Adjournment**

**If you require special assistance or auxiliary aid and/or services to participate in the public hearing process (i.e., sign language, interpreter, wheelchair accessibility, or parking designated for the disable), please call (808) 586-2594 at least 3 business days prior to the meeting so arrangements can be made.**