

Small Business Regulatory Review Board

MINUTES OF REGULAR MEETING

May 10, 2005

No. 1 Capitol Building 250 South Hotel Street ROOM 410

I. CALL TO ORDER: Chair Woods called the meeting to order at 10:28 a.m., with a quorum present.

MEMBERS PRESENT:

- Lynne Woods
- George Handgis
- Jeanette Chang
- Donald Dymond
- Michael Yee
- Dorvin Leis
- Sharon Pang

ABSENT MEMBERS:

- Phyllis Shea
- Noelani Whittington
- Edward MacDowell

STAFF:	<u>DBEDT</u>	<u>Office of the Attorney General</u>
	Dori Palcovich	Margaret Ahn
	Carol Poepoe	

GUESTS: David E. Morris, President, Dem Construction, Inc.
 Daniel Dinell, Executive Director, Hawaii Community Development Authority (HCDA)
 Richard Kuitunen, Asset Manager, HCDA
 Kathleen Yokouchi, Executive Officer, Board of Nursing, Department of Commerce and Consumer Affairs, (DCCA)
 Clyde Sonobe, Cable Television Administrator, Cable Television Division, DCCA
 Glen Chock, Cable Television Division, DCCA
 Mara Smith, Procurement Manager, Health and Human Services, State Procurement Office, Department of General and Accounting Services (DAGS)

WORKING LUNCH AS THE MEETING PROGRESSED

I. APPROVAL OF MINUTES: Minutes of the April 12, 2005 meeting were approved as presented.

II. INTRODUCTION OF NEW BOARD MEMBER: Chair Woods introduced and welcomed Ms. Sharon Pang as the Board's newest member. The Board is very pleased to have Ms. Pang as a member and her expertise will be welcomed, as there will be many more rules submitted by the Department of Health.

III. PUBIC COMMENTARY – Public commentary is included with each agenda topic discussed.

IV. OLD BUSINESS

- A.** Re-review and discussion of post public hearing statement on HAR Chapter 16-89, "Nurses" (DCCA) – Ms. Kathleen Yokouchi, Executive Officer, Board of Nursing, explained that the proposed educational rules will bring the current processes up-to-date, and conveyed that there were no negative testimonies at the recent public hearing. Second Vice Chair Handgis recommended that the proposed rules proceed for adoption; the Board unanimously agreed.
- B.** Review and discussion of post public hearing statement on HAR Chapter 15-22, "Provide Flexibility in the Development of Public Facilities" (DBEDT/HCDA) – Mr. Daniel Dinell, Executive Director, conveyed that the purpose of the rules is to create flexibility to allow a transfer for the "type of use" between lots by the same ownership. In this specific circumstance, it will assist in providing a parking facility for the business owners who are being impacted by the improvement in the Kakaako District. He indicated that several people attended the recent public hearing, with one written testimony in support of the rules. The anticipated construction of the parking facility will be a two-step process; the first step will be to construct the surface of the facility, which should be done almost immediately after

the rules are in place. The parking rates will be the standard public parking rates. Ms. Chang recommended that the rules be submitted for adoption, with a comment to the Governor indicating that it is refreshing to see State agencies and the impacted parties working together to arrive at mutual results. The Board unanimously agreed.

Chair Woods indicated that as a follow-up to the Kakaako Improvement District rules, the Governor has signed off on the rules, and so the small business owners who came before the Board in December are extremely upset. She re-conveyed that the Board has performed its duties within its purview and noted further that the Board should not be surprised to see the rules back on the agenda.

- C. Review and discussion of post public hearing statement on HAR Chapter 15-210, "Rules, Regulations, Charges and Fees for Public Parks" (DBEDT/HCDA) – Mr. Richard Kuitunen, Asset Manager, indicated that the public hearing, held on April 27th, was attended by several people but no one wished to submit oral or written testimony. The proposed rules primarily regulate the Waterfront Park in Kakaako and the Gateway Park, a two-mile parcel front Kakaako. Second Vice Chair Handgis recommended that the rules proceed to the Governor for adoption; the Board unanimously agreed.
- D. Discussion and update of May 24, 2005 Strategic Planning Session – Chair Woods discussed the May 24th planning session, indicating that it will be an opportunity for the members to get to know each other better, and to discuss what it is that the Board wants to accomplish.
- E. Administrative rules reviewed by DBEDT – No action was taken. Chair Woods explained that if there are any administrative rules that the Board would like to review, an official request needs to be brought up at a board meeting.

V. NEW BUSINESS

- A. Review and discussion of HAR Chapter 3-140, "Definitions," HAR Chapter 3-141, "General Provisions," HAR Chapter 3-142, "Planning," HAR Chapter 3-143, "Competitive Purchase of Service," HAR Chapter 3-144, "Restrictive Purchase of Service," HAR Chapter 3-145, "Treatment Purchase of Service," HAR Chapter 3-146, "Small Purchase of Service," HAR Chapter 3-147, "Crisis Purchase of Service," and HAR Chapter 3-149, "Contracting" (DAGS) – Ms. Mara Smith, Procurement Manager, Health and Human Services, State Procurement Office, indicated that the Health and Human Services area oversees how the state procures health and human services; these are mostly direct services that are meant to improve or maintain the health of Hawaii residents. Five specific points have been changed within the rules, with most of them clarifying issues as well as updating issues. Second Vice Chair Handgis recommend that the proposed rules proceed to public hearing; the Board unanimously agreed.
- B. Review and discussion of HAR Chapter 16-132, "Fees to be Paid by Cable Operators" (DCCA) – Mr. Clyde Sonobe, Cable Television Administrator, conveyed that the rule changes will allow DCCA to lower the fees that are actually paid to the department to administer the operations of the cable division. He stated that the reserve account currently has in excess of \$2 million. Chair Woods questioned whether there is an opportunity to codify the allocation of the fees through the implementation of rules. She requested from Ms. Ahn that she research whether the Board can request a written set of rules regarding the allocation of the fees. Ms. Chang recommended that the rules proceed to public hearing; the Board unanimously agreed.

VI. **REPORT FROM THE CHAIR** – Nothing was reported.

VII. **REPORT FROM COMMITTEES** – Nothing was reported.

VIII. **REPORT AND UPDATE FROM BOARD MEMBERS** – Nothing was reported.

IX. **ANNOUNCEMENTS** – Nothing was reported.

X. **NEXT MEETING** - Tuesday, May 24, 2005 at 11:00 a.m.: Aloha Beach Resort Kauai, Pi'ikoi Room, Kauai, Hawaii

XI. **ADJOURNMENT** - Chair Woods adjourned the meeting at 11:50 a.m.

