

Small Business Regulatory Review Board

MINUTES OF REGULAR MEETING

May 13, 2003

No. 1 CAPITOL DISTRICT BUILDING ROOM 436

CALL TO ORDER: Ms. Walker called the meeting to order at 11:10 a.m., with a quorum present.

MEMBERS PRESENT:

- Denise Walker
- Al Inoue
- Phyllis Shea
- David Rietow
- Dennis Okihara
- Lynne Woods
- Robert Speers, Ph.D.

ABSENT MEMBERS:

- Carolann Guy
- Nolan Ahn

STAFF: DBEDT:

Theodore E. Liu
Steve Bretschneider
Tom Smyth
Dennis Ling
Dori Palcovich
Eric Abdullateef
Shawn Pelley

GUESTS: Mr. Brian Zinn, President, Copy Shop, Inc.

WORKING LUNCH AS THE MEETING PROGRESSED

DISCUSSION OF REVIEW BOARD CHAIR AND VICE-CHAIR SELECTION

Ms. Walker explained that for the next board meeting, each member should have an idea who they would like to nominate for the Review Board Chair and Vice Chair. Although not mandatory, she suggested that the members let Ms. Palcovich be aware of who they would like to nominate within 15 days of the next meeting. Written testimony from TLC Cleaning regarding board officer nominations was distributed to the board members.

INTRODUCTION AND ORIENTATION OF NEW BOARD MEMBERS

Chair Walker introduced the Board's two new members, Ms. Lynne Woods, and Mr. David Rietow, and conveyed that the Board is very fortunate to have both of them as members. Ms. Woods, who is a strong advocate for small business, is the President of the Maui Chamber of Commerce and was an original member of the Small Business Regulatory Relief Task Force. Mr. Rietow is the President of Agro Resources, Inc. on the Island of Hawaii. Both Ms. Woods and Mr. Rietow expressed how very pleased they were to be on the Board.

APPROVAL OF MINUTES: Minutes of the April 15, 2003 meeting were approved as amended.

PUBLIC COMMENTARY: Mr. Brian Zinn introduced himself as the owner and president of Copy Shop, Inc., located in Hawaii Kai, and previously owner of All Hawaii Cruises. He is very interested in becoming a Board member, and feels with his lengthy business background as well as knowledge of rules and regulations regarding the Department of Land and Natural Resources, he would be an asset to the Board.

OLD BUSINESS:

- A. Discussion of Upcoming Board Meetings using Video Conferencing – An outline was distributed to the members comparing the cost of video conferencing with the cost of inter-island flights for neighbor island board members. Pros and cons for using video conferencing were discussed with Dr. Speers indicating that physical interfacing with each other has more of a psychological advantage than looking at a video monitor, where it may be difficult to sustain one's focus. Ms. Walker stated that there is a tremendous amount of cost for a small business owner, resulting from the time required to attend board meetings, especially for neighbor island members. She also mentioned that telephone conferencing used by the legislative subcommittee has been working well. It was agreed that the August 2003 meeting would be tentatively scheduled utilizing video conferencing.

Board Action: Supported

NEW BUSINESS:

- A. Discussion of Board's Presentation for Governor's Cabinet Meeting on May 21, 2003 – With the assistance of Messrs. Bretschneider, Ling, and Young, Ms. Walker and Ms. Woods presented and fine tuned the draft power point presentation for Governor Lingle's Cabinet meeting. The presentation gave an overview of the Board's vision, its mission statement, its responsibilities, and an action plan. Other members also provided input.

Board Action: Supported

- B. Nomination of Board Members – There are currently two vacancies on the Board. Members reviewed the list of potential members and voted to submit the following names as nominees to the Governor: Mr. Edward MacDowell from Kauai, and Ms. Joyce Edwards, Mr. Jack Schneider, Mr. Brian Zinn, and Ms. Wayne from Oahu. Ms. Palcovich stated that Mr. Donald Dymond wished to be taken off the current nomination list. Ms. Woods will contact Ms. Palcovich with an additional name of a person from the restaurant industry.

Board Action: Supported

- C. Update and Discussion of Legislative Activity – Tracking and Monitoring of Bills – Mr. Smyth reported that there would be changes in the legislative proposal preparation process next year. One change is that legislative packages will be prepared earlier than usual beginning in July 2003. Other comments are reported in Sections D. and E. Mr. Smyth concentrated his review of the following: HB285 HD1 SD2 "Relating to Administrative Procedure," SCR76 SD1 "Requesting the Hawaii Small Business Regulatory Review Board to Develop and Formulate a Small Business Bill of Rights for Consideration during the 2004 Legislature," and HCR57 HD1 "Requesting the Small Business Regulatory Review Board to Conduct a Study to Develop a Bill of Rights for Small Business."
Dr. Speers would be the future contact person for the Legislative Sub-Committee. Mr. Rietow agreed to become part of the Legislative Sub-Committee.

Board Action: None

- D. Discussion of the Requirements of HB285, HD1 SD2 – Mr. Smyth distributed an outline of HB285 HD1 SD2 describing its purpose, and explained that the Bill establishes an automatic repeal of administrative rules when the underlying law is repealed. He explained that the third part of the Bill adds a section to the Regulatory Flexibility Act, Sec. 201M -7. Also, Ms. Walker indicated that Director Liu is researching the possibility of utilizing the services of a law school intern from Richardson Law School to analyze and summarize the administrative rules sent to the Board for review.

Board Action: Supported

- E. Discussion of SCR 76 SD1 – Dr. Speers, who will coordinate the development of the Hawaii Small Business Bill of Rights, recommended that the Board start "now" to form a working committee to begin putting down ideas in a format that would protect and help small businesses. He will also establish a time line for creating the Bill of Rights.

Board Action: Supported

REPORTS FROM COMMITTEES – Minutes of the Legislative Subcommittee meeting of May 1, 2003 were reviewed by the members.

Board Action: None

POLICIES AND PROCEDURES – None were discussed.

ANNOUNCEMENTS

None.

- Next Board Meeting – Tuesday, June 10, 2003, at 11:00 a.m. – No. 1 Capitol District Building, 250 South Hotel Street, 4th Floor, Conference Room 436

ADJOURNMENT: Acting Chair Walker adjourned the meeting at 2:10 p.m.