

Small Business Regulatory Review Board

MINUTES OF REGULAR MEETING

September 9, 2003

No. 1 CAPITOL DISTRICT BUILDING ROOM 436

CALL TO ORDER: Chair Woods called the meeting to order at 11:15 a.m., with a quorum present.

MEMBERS PRESENT:

- Lynne Woods
- Dorvin Leis
- Al Inoue
- Phyllis Shea
- David Rietow
- Robert Speers, Ph.D.
- Brian Zinn

ABSENT MEMBERS:

- Dennis Okihara
- Denise Walker

STAFF:

DBEDT:

Theodore Liu
Steve Bretschneider
Thomas Smyth
Dori Palcovich
Milton Kwock
Shawn Pelley

Office of the Attorney General

Linden Joesting

GUESTS: Stacie Thorlakson, Executive Assistant for Chair Lynne Woods, Maui Chamber of Commerce

WORKING LUNCH AS THE MEETING PROGRESSED

APPROVAL OF MINUTES: Minutes of the August 28, 2003 meeting were approved as amended.

PUBLIC COMMENTARY: Director Liu expressed his concern regarding the completion of the Small Business "Bill of Rights." He also indicated that staff recently met with an OSHA representative in Hawaii who works with small businesses. Chair Woods offered the idea of inviting one of the local consultants with HIOSH to the next board meeting for a presentation. Director Liu suggested Ms. Palcovich speak with Dennis Ling about contacting the representative from Washington D.C., to determine who best to ask.

OLD BUSINESS:

- A. Update on Hawaii Kite Boarding Association - Maui – Chair Woods reported that a single Maui company, which organized an association for kite boarding, had agreed to draft a letter of compliance for other companies, in order to obtain a County permit. The result of this has, however, lead to complications with the Federal Aviation Administration (FAA). The FAA has since decided, for the time being, to eliminate kite boarding on Maui, and has advised the County to discontinue issuing permits for the beach park next to the airport runway. Mr. Smyth explained FAA rules and regulations regarding kite boarding. Chair Woods will contact the County and report back at the next meeting.
- B. Update on "Wai'Opae Tidepools Marine Life Conservation Districts" – A motion was made by Mr. Rietow, seconded by Ms. Shea and passed unanimously to go into Executive Session under the provisions of Section 92-5, HRS, to discuss issues with the Deputy Attorney General. The Board went into Executive Session at 11:55 a.m. The Executive Session ended at 12:15 p.m.
- C. Discussion of the following Marketing Strategies:
 1. Previously Proposed Marketing Strategy - Chair Woods discussed the purpose of creating and presenting a marketing plan for the Review Board. She also discussed the power-point

presentation that was made to the Governor's Cabinet. Dr. Speers suggested marketing to small business organizations and trade groups, with Chair Woods further explaining that the purpose of the presentation is to solicit regulatory concerns from small businesses. Mr. Smyth indicated that DBEDT staff would update the power-point presentation and have it available on CD-ROM or in other formats at the next board meeting.

Chair Woods indicated that current goals of the Board are: 1) Developing contacts with business associations and service groups, 2) Continuing to distribute the Board's newsletter, and 3) Organizing a "speaker's bureau." She will link the Maui Chamber of Commerce's website to the Review Board's website. After much discussion, it was agreed that the following members will be available to make presentations on specific islands - Mr. Zinn, Oahu; Mr. Rietow, Hawaii and Kauai; Mr. Inoue, Hawaii; and Chair Woods and Mr. Leis, Maui. Mr. Rietow suggested announcing new board members through local media such as Pacific Business News. DBEDT staff will distribute a press release in the near future with names of the most recently appointed board members.

2. Update SBRRB Brochure – The brochure was reviewed by the Board. Suggestions to improve the brochure include enlarging the website address, and deleting some unnecessary text.
- D. Update, Discussion and Approval of "Fast Track" Administrative Rule Review Procedure Delegating Rule Comment Authority – Mr. Rietow will develop and present a draft form for "fast track" administrative rule review at the next meeting.
- E. Discussion and Update of Legislative Items – Mr. Smyth noted that DBEDT recently submitted an initial list of bill topics to the Governor's office for possible inclusion in the Governor's bill package. If there are any other legislative issues, he asked that they be submitted as soon as possible for forwarding to the Governor. He urged the Board to complete the Small Business "Bill of Rights" for submission by the end of September; this is the internal deadline within DBEDT for new bills.
- F. Review of Administrative Rules by DBEDT in fiscal year 2004, to date – The list of administrative rules was reviewed. Dr. Speers suggested a few modifications to the form, and also mentioned that for future consideration, it would be helpful that when rules are reviewed, a list of the affected businesses is sent to the board members.
- G. Update and Discussion of the Internship Program with the Richardson School of Law – Chair Woods had no additional update.

NEW BUSINESS:

- A. Discussion and Review of HAR Chapter 11-41 "Lead-Based Paint Activities" – Chair Woods informed the Board that Ms. Walker has reviewed the proposed amendments and has concluded there is no direct small business impact. The amendments should be supported contingent upon the rules not going beyond federal requirements. Mr. Zinn expressed his satisfaction with the Department of Health's small business impact statement's accuracy and conciseness, and suggested that the Board compliment the agency in writing. The Board supported the proposed rules.
- B. Discussion of Online One-stop Business Registration Project – Mr. Kwock introduced himself and informed the Board of the online one-stop business registration project. He stated that DBEDT has partnered with the Department of Commerce & Consumer Affairs, Department of Taxation, Department of Labor & Industrial Relations, Internal Revenue Service, and the City and County of Honolulu to develop a procedure for online license and business registration processing. The project is expected to be launched by March of 2004. Mr. Kwock thoroughly explained the online process; he will let Ms. Palcovich know when a demo presentation is available for review.
- C. Discussion of Federal Law regarding E-mail Communication – Chair Woods reported that a federal bill is moving through the House regarding communication via telephone and faxes. However, the U.S. Chamber of Commerce has asked the FCC to hold the rule, at the present time. She will update the Board on any changes.

REPORTS FROM COMMITTEES

- A.** Update from the Legislative Subcommittee regarding the Small Business “Bill of Rights” – Chair Woods reported she is working with a legislative advisor in Maui to assist and review the Small Business “Bill of Rights” in order to create a draft bill for the upcoming legislative session. The bill will be available for review and approval at the next meeting. Also, Ms. Joesting handed out copies of Act 164/SLH 1998 for review.
- B.** Update from the Subcommittee on the Revision of the Administrative Directive - Nothing was reported at this time.

POLICIES AND PROCEDURES

Chair Woods spoke with Ms. Allyson Apo, Boards and Commissions Representative, Governor’s Office, in regards to a decision on the appointment of new members. Ms. Apo informed her that a selection would be made within the next few weeks.

ANNOUNCEMENTS

- Next Board Meeting – Tuesday October 14, 2003, at 11:00 a.m. – No. 1 Capitol District Building, 250 South Hotel Street, 4th Floor, Conference Room 436.

ADJOURNMENT: Chair Woods adjourned the meeting at 1:20 p.m.