

Small Business Regulatory Review Board

MINUTES OF REGULAR MEETING

April 21, 2010

Conference Room 410 - No. 1 Capitol District Building, Honolulu, Hawaii

I. **CALL TO ORDER:** Chair Woods called the meeting to order at 10:31 a.m., with a quorum present.

MEMBERS PRESENT:

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

ABSENT MEMBER:

- Donald Dymond

STAFF: DBEDT Office of the Attorney General
 Milton Kwock Margaret Ahn

II. APPROVAL OF MARCH 17, 2010 MINUTES

Mr. Au made a motion to accept the March 17, 2010 minutes as circulated. Mr. Yukimura seconded the motion and the Board members unanimously affirmed the motion.

III. OLD BUSINESS

- A. Review and discussion of proposed amendments to Part 4 of Rules and Regulations of the Board of Water Supply, Fixing Rates for the Furnishing of Water Service to the County of Kauai, Sections I, II, III, IV, V, VI and X

County of Kauai Board of Water Supply Controller, Paul Ganaden, summarized the proposed amendments to the Board.

Mr. Yukimura made a motion to send a memo to the Governor in support of the proposed amendments. Mr. De Luz seconded the motion and the Board unanimously agreed to the motion.

- B. Review and discussion of proposed amendments to Chapter 3-181-14, HAR, "Hawaii Energy Conservation Code" (DAGS)

Russ Saito, DAGS Director and Kerry Yoneshige, DAGS Business Management Officer, provided information on the efforts made by DAGS and the Building Code Council to work with RMA Sales and other Hawaii jalousie window manufacturers to develop a template to allow jalousie windows manufactured in Hawaii to comply with the State Energy Conservation Code. Mr. Saito reiterated that the template is not an exemption from the State Energy Conservation Code. Mr. Anthony Borge, Sales Manager of RMA Sales, also made note of the efforts put forth by DAGS and the Building Code Council.

A motion was made by Mr. Leis to send a memo to DAGS to commend their efforts to work together with small business to come up with a sensible solution to help Hawaii jalousie window manufacturers comply with existing rules. Mr. Schnitzler seconded the motion and the Board unanimously agreed to the motion.

IV. NEW BUSINESS

A. Review and discussion of proposed amendment to Chapter 16-92, HAR, "Relating to Optometrists" (DCCA)

Lee Ann Teshima, DCCA Executive Officer, Board of Optometry, and Dr. John Nishihara, Past Chairman of the Board of Optometrists, explained the positive impacts of the proposed amendments to the Board.

Ms. Pang made a motion to send a memo to the Governor in support of sending the proposed amendments to public hearing. Mr. Bucky seconded the motion and the Board unanimously agreed to the motion.

B. Review and discussion of proposed amendments to Chapter 16-53, HAR, "Fees Relating to Boards and Commissions" (DCCA)

Laureen Kai, DCCA Executive Officer, Board of Accountancy, summarized the proposed amendments to rules pertaining to certified public accountants including rules to practice and fees.

A motion was made by Mr. Au to send a memo to the Governor in support of the proposed amendments to Chapter 16-53, HAR. Mr. Leis seconded the motion and the Board unanimously agreed to the motion.

C. Review and discussion of proposed amendments to Chapter 13-5, "Conservation District" (DLNR)
Sam Lemmo, DLNR Office of Conservation & Coastal Lands Administrator, summarized the proposed amendments to Chapter 13-5.

Mr. Yukimura asked Mr. Lemmo if the proposed amendments addressed harvesting logs on conservation lands to use as a renewable energy resource. Mr. Lemmo agreed to add biomass activities in the rule amendments.

Motion was made by Mr. Yukimura to send a memo to the Governor in support of sending the proposed amendments to public hearing. Ms. Pang seconded the motion and the Board unanimously agreed to the motion.

D. Request by Ms. Myriam Tabaniag, former President of the Alliance of Residential Care Home Administrators, to review Act 226, SLH 2007, regarding the lack of rules governing certified nurse aides who are employed in state-certified or state-licensed healthcare settings (DOH)

In attendance: Linda Chun, DHS Adult & Community Care Services Branch Chief, Lori Tsuruda, DHS, Lee Ann Teshima, DCCA Executive Officer, Board of Nurses, Ray Tavares, Legislative Aide to Rep. John Mizuno, John Radcliff, lobbyist representing the Alliance of Residential Care Home Administrators (ARCHA) and numerous members of ARCHA.

Chapter 17-1737-41 and 42, HAR, are the rules in question. State Departments of Human Services, Commerce and Consumer Affairs and Health have worked together with stakeholders to develop written rules addressing the certification and recertification of certified nurse aides (CNA).

After hearing testimony from Ms. Chun, Mr. Tavares and Mr. Radcliff, the Board recommended that DHS, DCCA and industry representatives work together to develop proposed amendments to Chapter 17-1737, HAR, which addresses the recertification process. The Board also recommended that the same group inventory all of the organizations that use CNAs and also come up with a simple flow chart to detail the certification and recertification process.

Being that there currently are rules that govern the certification and recertification of CNAs, the Board recommends that all parties report back to the SBRRB on the status of the working group's progress at the May 2010 SBRRB meeting.

V. REPORT FROM CHAIR

A. Nomination of David S.Y. Chang to fill vacant Board position

Mr. Chang's nomination was forwarded by the Governor's Office. The Board reviewed and discussed Mr. Chang's application and resume. Chair Woods also had an opportunity to speak to Mr. Chang and

conduct further due diligence. Mr. Chang is running for the House of Representatives in the upcoming primary election.

Mr. Au made a motion to defer consideration of Mr. Chang's application until after the primary and general elections. Mr. Yukimura seconded the motion and the Board unanimously agreed to the motion.

B. Election of new chairperson

Ballot was prepared and circulated among the Board members to elect a new SBRRB Chairperson. Ms. Pang was the only Board member willing to assume the Chair position. The Board voted unanimously for Ms. Pang to assume the Chair as of July 1, 2010.

VI. REPORT FROM BOARD MEMBERS

VII. REPORT FROM VOLUNTEER LEGISLATIVE LIAISON

- A. Update of HCR296, "Urging the Governor to properly fund the Small Business Regulatory Review Board under DBEDT to support small business" (Companion bill SCR231 HCR 296, introduced by Rep. Herkes, was gutted in committee.
- B. GM285, Submitting for consideration and confirmation to the Small Business Regulatory Review Board, Gubernatorial nominee, Bruce E. Bucky, for a term to expire 6-30-2014
GMN285 was heard by the Senate Committee on Economic Development and Technology and the committee voted unanimously to have Mr. Bucky serve a second term.
- C. GM411, Submitting for consideration and confirmation to the Small Business Regulatory Review Board, Gubernatorial nominee, Richard Schnitzler, for a term to expire 6-30-2014
GM411 was heard by the Senate Committee on Economic Development and Technology and the committee voted unanimously to have Mr. Schnitzler serve a second term.

VIII. ANNOUNCEMENTS

IX. NEXT MEETING – Wednesday May 19, 2010, 250 South Hotel Street, Honolulu, HI, Room 410.

IX. ADJOURNMENT – The meeting adjourned at 1:55 p.m.