



## SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism (DBEDT)  
No. 1 Capitol District Building, 250 S. Hotel Street, Fifth Floor, Honolulu, HI 96813  
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Tel: 808 586-2594

### AGENDA

Wednesday, December 12, 2018 ★ 10:00 a.m.

Leiopapa A Kamehameha Building - State Office Tower

Conference Room 405 - 235 South Beretania Street, Honolulu, HI 96813

David Y. Ige  
Governor

#### Members

Anthony Borge  
Chairperson  
O'ahu

Robert Cundiff  
Vice Chairperson  
O'ahu

Garth Yamanaka  
2nd Vice Chairperson  
Hawai'i

Harris Nakamoto  
O'ahu

Nancy Atmospera-Walch  
O'ahu

Mary Albitz  
Maui

William Lydgate  
Kaua'i

Director, DBEDT  
Voting Ex Officio

#### I. Call to Order

#### II. Approval of October 17, 2018 Meeting Minutes

#### III. Approval of November 7, 2018 Permitted Interaction with Members, under Section 92-2.5 (d), Hawaii Revised Statutes (HRS)

1. Discussion and Action on Proposed Amendments to Hawaii Administrative Rules (HAR) Title 16 Chapter 17 **Captive Insurance Companies**, promulgated by Department of Commerce and Consumer Affairs – *attached and incorporated as Exhibit 1*
2. Discussion and Action on Request Received from this Board's "Regulation Review Card" to Review HAR Title 13 Subtitle 11, Part 1 Small Boat Facilities and Provisions Generally Applicable to All State Navigable Waters, Chapter 231, Operation of Boats, Small Boat Harbors, and Use Permits for All Navigable Waters, Sections 50 through 70 to "Open Up the Permitting Process for Small Businesses to Grow and Thrive and to Put Stricter Policies in Place for Current Permit Holders," promulgated by Department of Land and Natural Resources – *attached and incorporated as Exhibit 2*

#### IV. Old Business

##### AFTER PUBLIC HEARING

- A. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments to HAR Title 4 Chapter 186, **Petroleum Products Accounting and Inspection**, promulgated by Department of Agriculture (DOA) – *attached and incorporated as Exhibit 3*
- B. Discussion and Action on the Small Business Statement After Public Hearing and Proposed New HAR Title 18 Chapter 237 **General Excise Tax Law**, Section 34-13, **Persons with a Material Interest in a Tax Return**, promulgated by Department of Taxation (DoTax) – *attached and incorporated as Exhibit 4*
- C. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments to HAR Title 18 Chapter 237D, **Transient Accommodations Tax**, promulgated by DoTax, as follows – *attached and incorporated as Exhibit 5*
  - a. Section 4-01 **Certificate of Registration**
  - b. Section 4-02 **Display of Registration Certificate**
  - c. Repeal Sections 4-03 through 4-07
  - d. Proposed New Sections 4-08 through 4-35

- D. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments to HAR Title 12, promulgated by Department of Labor and Industrial Relations, as follows – *attached and incorporated as Exhibit 6*
  - a. Chapter 229 **General, Administrative and Legal Provisions**
  - b. Chapter 230.1 **Elevators, Escalators, Dumbwaiters, Moving Walks, and Material Lifts and Dumbwaiters with Automatic Transfer Devices; and**
  - c. Chapter 240 **Elevator Requirements for Individuals with Disabilities**
- E. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments to HAR Title 4 Chapter 71, **Plant and Non-Domestic Animal Quarantine Non-Domestic Animal Import Rules**, promulgated by DOA – *attached and incorporated as Exhibit 7*

## V. **New Business**

### BEFORE PUBLIC HEARING

- A. Discussion and Action on Proposed Amendments to Title 8 Chapter 101, **Rules Governing the Manufacture and Sale of Intoxicating Liquor of the County of Maui**, promulgated by Department of Liquor Control, County of Maui – *attached and incorporated as Exhibit 8*

## VI. **Administrative Matters**

- A. Discussion and Action on the Board’s Draft *2018 201M-7 Periodic Review; Evaluation Report* for Submission to the Hawaii State Legislature under Section 201M-7, HRS
- B. Discussion and Action on the Board’s Draft 2018 Annual Report Summary for Submission to the Hawaii State Legislature, under Section 201M-5(f), HRS
- C. Update on the Board’s Upcoming Advocacy Activities and Programs in accordance with the Board’s Powers under Section 201M-5, HRS
  - a. Review of Board’s Proposed Power Point Presentation for Outreach Purposes
  - b. Update and Discussion on the Board’s Website Proposal
  - c. Review of Board’s 2019 Meeting Schedule

## VII. **Legislative Matters**

- A. Update on the Legislative Proposal to Chapter 201M, HRS, for the 2019 Hawaii Legislative Session – Clarify the powers of the Small Business Regulatory Review Board by adding that the Board may consider any request from small business owners for review of a rule that is proposed and amended as well as adopted by a state agency, and to change “ordinance” to “rules” when making recommendations to the county council or the mayor for appropriate action
- B. Discussion and Action on the Delegation of Authority to Board Member(s) and/or Staff to Submit Testimony and/or Testify on behalf of the Board during the 2019 Hawaii State Legislative Session

VIII. **Next Meeting: Thursday, January 17, 2019**, at 10:00 a.m., Conference Room 405, 235 South Beretania Street, Leiohale A Kamehameha Building (State Office Tower), Honolulu, HI 96813

## 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 disabled), please call (808) 586-2399 at least three (3) business days prior to the meeting so arrangements can be made.