

Small Business Regulatory Review Board

MINUTES OF REGULAR MEETING

August 15, 2018

Conference Room 436 - No. 1 Capitol District Building, Honolulu, Hawaii

- I. **CALL TO ORDER:** Chair Borge called the meeting to order at 10:03 a.m., with a quorum present.

MEMBERS PRESENT:

- Anthony Borge, Chair
- Robert Cundiff, Vice Chair
- Garth Yamanaka, Second Vice Chair
- Harris Nakamoto
- Mary Albitz
- William Lydgate
- Mark Ritchie

ABSENT MEMBERS:

- Nancy Atmospera-Walch

STAFF: DBEDT

Dori Palcovich
Ashleigh Garcia

Office of the Attorney General

Krishna Jayaram

II. APPROVAL OF JULY 18, 2018 MINUTES

Ms. Albitz made a motion to accept the July 18, 2018 minutes, as presented. Mr. Nakamoto seconded the motion, and the Board members unanimously agreed.

III. NEW BUSINESS

- A. Discussion and Action on Proposed Amendments to Proposed New Rules and Regulations for Kauai County Code Section 18-5.3, Revocable Permits to Vend within County Right-of-Ways, promulgated by Department of Public Works - County of Kauai

Mr. Lyle Tabata, Acting County Engineer at the Department of Public Works, County of Kauai described the history of the promulgation of these rules; he noted that while the County held one informal public hearing, there will be another “official” hearing within the next month or two.

Ms. Jodi Higuchi Sayegusa, Deputy County Attorney, explained the safety challenges arising on the roads of Hanapepe, including a clash of brick and mortar businesses and street vendors. The intent of the amendments is to economically encourage small businesses to participate in island-wide events while protecting public health and safety.

Vice Chair Cundiff commended the Department of Public Works for accommodating the amendments to fit the needs of Kauai residents and the affected small businesses.

Vice Chair Cundiff made a motion to move the proposed rules to public hearing. Mr. Nakamoto seconded the motion, and the Board members unanimously agreed.

IV. OLD BUSINESS

- A. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments to HAR Title 4 Chapter 162, Food Safety Certification Costs Grant Program, promulgated by Department of Agriculture (DoAg)

Vice Chair Cundiff explained that the rule amendments are positive for small business and straight-forward whereby a process is created for businesses to apply for grants to help reimburse for costs in order to comply with the food safety laws; Mr. Lydgate concurred.

Vice Chair Cundiff made a motion to move the proposed rules to the Governor for adoption. Mr. Ritchie seconded the motion, and the Board members unanimously agreed.

- B. 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 DoAg

Mr. Jonathan Ho, Acting Manager at DoAg's Plant Quarantine Branch, explained that after the public hearing the initial proposed rules were segregated into two distinct sections. Section A entails the banning of dangerous wild animals; these rules, however, did not receive enough votes at the past Board of Agriculture's meeting to carry on the process. This specific proposal will go back to the Board of Agriculture on the last Tuesday of August 2018 for another vote. Mr. Ho confirmed that an "after public hearing statement" after the Board of Agriculture votes on the proposal will be submitted to this Board that explains specific information and testimonies received at the previously held public hearing.

Section B amendments, covering the tilapia and house cricket rules, which are totally pro-business as the rules allow for commercial use, were passed by the Board of Agriculture. Amendments contain housekeeping updates and allow for these animals to be eligible for commercial use. While at the public hearing the agriculture industry testified in support of these amendments, the department of land and natural resources and other agencies testified with concerns as there was not enough information to determine the full impact on the agriculture or on the animals.

Vice Chair Cundiff made a motion to move the rules onto the Governor for adoption. Mr. Ritchie seconded the motion, and the Board members unanimously agreed.

V. ADMINISTRATIVE MATTERS

- A. Update on the Board's Upcoming Advocacy Activities and Programs in accordance with the Board's Powers under Section 201M-5, HRS

Mr. Ritchie updated the members of the annual small business fair held on Saturday, August 4th at Honolulu Community College; over 200 participants attended with nearly 35 exhibitors. The next fair in 2019 will be held at Windward Community College.

Chair Borge stated that there are currently four individuals interested in becoming members of this board – Kimo Lee, Jonathan Young, Larry Anderson and Stewart Burley. These names have been referred to House Speaker Scott Saiki for his nomination to the Governor. There is also one vacant member position needed from the Senate President.

Ms. Albitz believed that Ms. Pamela Tumpap from Maui is still interesting in becoming a board member and will follow-up with her. Mr. Nakamoto also mentioned that a prior board member, Mr. Wayne Tanaka, is interested in coming back on this board; Ms. Palcovich will following up with Mr. Tanaka.

- VI. NEXT MEETING** – The next meeting is scheduled for Wednesday, September 19, 2018, in Conference Room 436, 250 South Hotel Street, Honolulu, Hawaii at 10:00 a.m.
- VII. ADJOURNMENT** – Vice Chair Cundiff made a motion to adjourn the meeting and Mr. Nakamoto seconded the motion; the meeting adjourned at 11:16 a.m.