

Small Business Regulatory Review Board

MEETING MINUTES - **DRAFT**

January 16, 2025

- I. **CALL TO ORDER:** Chair Shick called the meeting to order at 10:00 a.m., with a quorum present.

MEMBERS PRESENT:

- Jonathan Shick, Chair
- Mary Albitz, Vice Chair
- Sanford Morioka, 2nd Vice Chair
- Tessa Gomes
- Dr. Jennifer Salisbury
- Mark Ritchie

ABSENT MEMBERS:

- Robert Cundiff
- Garth Yamanaka
- James (Kimo) Lee
- Nikki Ige

STAFF: DBEDT

Jet'aime Ariola
Dori Palcovich

Office of the Attorney General

Alison Kato

II. **APPROVAL of December 12, 2024 MINUTES**

Vice Chair Albitz motioned to approve the December 12, 2024 meeting minutes, as amended. Mr. Ritchie seconded the motion, and the Board members unanimously agreed.

III. **OLD BUSINESS**

- A. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments to HAR Title 12 Subchapter 46, Department of Labor and Industrial Relations – Civil Rights Commission, promulgated by Department of Labor – Civil Rights Commission

Ms. Constance Yonashiro, Chief Council for the Hawaii Civil Rights Commission, explained that this proposal is intended to clarify and make the rules more understandable for the public and for employees. The proposed updated definitions are also more in line with statutory requirements of other agencies.

On November 4, 2024, a statewide public hearing was held and mainly done through Zoom although a meeting room was available for potential in-person testifiers. Eleven people remotely attended the hearing with five written comments and two oral testifiers. Most of the testimonies were focused on the proposed language to amend the reasonable accommodations for individuals with disabilities who use medical cannabis.

After the public hearing, the Civil Rights Commission met on November 9th and 17th to discuss the comments and voted to adopt the proposed rules with non-substantive changes.

The changes, which were reviewed by the Attorney General's Office, confirmed that they were reasonable and non-substantive. In response to Mr. Ritchie's inquiry, Ms. Yonashiro explained that the analysis of the rules regarding reasonable accommodations was not changed by the rule modifications but are instead meant to provide more understanding of the responsibilities and processes.

Regarding the question about the difference between independent contractors and employees posed by Vice Chair Albitz, Ms. Yonashiro responded that the change in the definitions were merely for clarification purposes and are very basic.

Mr. Ritchie motioned to pass the rules on to the Governor for adoption. Dr. Salisbury seconded the motion, and the Board members unanimously agreed.

IV. NEW BUSINESS

- A. Discussion and Action on the Small Business Impact Statement and Proposed New Rules and Regulations Relating to the Use of Parks and Park Facilities by Peddlers and Concessionaires, Part VI – Rules and Regulations Governing the Operation of Concessionaires at the Spouting Horn Park, promulgated by County of Kauai – Department of Parks and Recreation

Mr. Patrick Porter, Director of Parks and Recreation for the County of Kauai, explained that the tourist attraction, Spouting Horn Park located at Kauai's south shore, previously maintained concession stands. These stands were demolished about six or seven years ago due to their poor condition with the intent to rebuild a brand new facility that was completed just prior to the COVID shut down.

Subsequently, City Council for Parks & Recreation recommended that rules and regulations be created for the concessionaires at the Spouting Horn Park as there were only County Codes governing this attraction. As a result, the proposed new administrative rules generally follow the conditions in the Code.

Chair Shick thanked Mr. Porter for bringing these proposed rules to the Board and acknowledged that the content of the rules were transferred from the Kauai Code to administrative rules.

Mr. Morioka motioned to pass the rules on to public hearing. Vice Chair Albitz 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, Hawaii Revised Statutes (HRS)
 - 1. Update on the Business Revitalization Taskforce's most recent meeting pursuant to Act 142 (Sessions Law Hawaii 2024, Senate Bill 2974 Relating to Economic Development, and Tourism establish a task force in order to identify methods to improve Hawaii's general economic competitiveness and business climate,

including the mitigations of regulatory tax burdens

Ms. Gomes stated that she attended the past (first) meeting of the taskforce that entailed an understanding of what its purview is and what steps are needed to accomplish the required goals.

2. Review of the Board's Proposed 2025 - 2026 Strategic Goals and Discussion and Action on Upcoming 3 – 5 Year Plan

Deferred until the next Board meeting.

3. Update and Discussion on Becker Communications, Inc., regarding the Board's Small Business Outreach

The next meeting scheduled with Becker Communications and DBEDT staff is January 30, 2025.

4. Presentations to Industry Associations

Vice Chair Albitz stated that today is the day that the Hawaii Chamber of Commerce scheduled its “walk around” the State Capitol to meet with State legislators, which she will partake in. Dr. Salisbury is also planning to attend the “walk around” at the Capitol.

Dr. Salisbury is attending the Maui Chamber of Commerce Legislative update luncheon on January 17th.

5. Staff's Small Business Outreach

Ms. Ariola is scheduled to attend the 2025 Women's Legislative Caucus on January 22nd. On January 23rd she will be attending the Hawaii Economic Association (HEA) webinar/meeting for an update on the year's economic forecast. Dr. Salisbury will also be attending the HEA webinar on the 23rd.

VI. NEXT MEETING – Thursday, January 16, 2025 at 10:00 a.m., via Zoom and in Conference room 436 at Capitol Modern Building, 250 S. Hotel Street, Honolulu, HI 96813.

VII. ADJOURNMENT – Vice Chair Albitz motioned to adjourn the meeting and Dr. Salisbury seconded the motion; the meeting adjourned at 10:26 a.m.