

Small Business Regulatory Review Board

MEETING MINUTES

June 15, 2023

- I. **CALL TO ORDER:** Chair Cundiff called the meeting to order at 10:01 a.m., with a quorum present.

MEMBERS PRESENT:

- Robert Cundiff, Chair
- Mary Albitz, Vice Chair
- James (Kimo) Lee
- Sanford Morioka
- Tessa Gomes
- Taryn Rodighiero
- Mark Ritchie

ABSENT MEMBERS:

- Jonathan Shick, 2nd Vice Chair
- Dr. Nancy Atmospera-Walsh
- Garth Yamanaka
- William Lydgate

STAFF: DBEDT

Dori Palcovich
Jet'aime Ariola

Office of the Attorney General

Alison Kato

II. **APPROVAL OF MAY 30, 2023 MINUTES**

Mr. Morioka motioned to accept the May 30, 2023 meeting minutes, as presented. Ms. Rodighiero seconded the motion, Vice Chair Albitz abstained, and the remaining Board members agreed.

III. **OLD BUSINESS**

- A. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments to HAR Title 16 Chapter 115 Professional Engineers Architects Surveyors and Landscape Architect, promulgated by Department of Commerce and Consumer Affairs (DCCA)

Discussion leader Ms. Gomes reached out to the DCCA representatives who indicated that the changes should not negatively impact small businesses. Ms. Lee Ann Teshima, Executive Officer at DCCA's Professional and Vocational Licensing Division explained that the public hearing was held and no testimony was received either in writing or verbally.

Ms. Teshima explained that one of the changes allows for digital signatures for state architects. This is expected to help streamline the permitting process with the city and county which has already adopted accepting the digital signatures. Chair Cundiff noted that the proposed rules are straight-forward and that DCCA addressed the issues with the affected small business very well.

Mr. Lee motioned to move the proposed rules to the Governor for adoption. Mr. Morioka seconded the motion, and the Board members unanimously agreed.

IV. NEW BUSINESS

A. Discussion and Action on the Proposed Amendments to HAR Title 13 Chapter 74 License and Permit Provisions and Fees for Fishing, Fish, and Fish Products, promulgated by Department of Land and Natural Resources (DLNR)

Discussion leader Ms. Albitz stated that the main purpose of the rule proposal is to create new commercial dealer license fees and to add and update other annual fee requirements. Mr. David Sakoda, Fisheries Program Manager at DLNR's Division of Aquatic Resources (DAR), explained that the rule proposal will update a number of different licenses - the commercial dealer license, commercial dealer vessel license, and the non-resident recreational fishing license. Other license fees, which haven't been updated since the late 1990's, are also being increased with this rule proposal.

The non-residential fishing license is mandated by statute. For these licenses, the statute requires: \$20 for a one-day fishing license; \$40 for a seven-day fishing license; and \$70 for an annual non-resident fishing license. DAR is projecting approximately 50 licenses which mostly make up the one-day or seven-day licenses amounting to a rough estimate of \$1,000,000 annually.

For the vessel license, it is optional. Commercial fishers are required to have their individual commercial fishing license if they are fishing; however, the commercial fishers requested from DAR that only one license for the vessel be allowed to cover every fisher on the vessel, which DLNR concurred. The purpose of this change will allow commercial fishers to have only one license (commercial dealer vessel license) on them rather than two. The nonresident recreational marine fishing license will implement the statute, which does not require the agency to interpret the requirements of the statute.

DAR sent letters and held scoping with key stakeholders regarding the various proposed licenses. In regard to incremental fee increase changes, Vice Chair Albitz recommended that DAR review the fees every five years due to all the data required to be reviewed; this was highly received and welcomed by Mr. Sakoda.

For the nonresidential fishing licenses, one of the concerns from charter fishing boat operators was that they did not want to turn away potential clients the morning of the charter if they did not have their license. As such, DAR wanted to make available purchasing tickets for the charter boats online with a mobile phone and have it displayed right on the phone. DAR is in the process of developing this system which will be user-friendly and mobile; it is expected to be running by the end of 2023 or early 2024.

Chair Cundiff recognized and appreciated that DAR sent letters to the stakeholders prior to coming to this Board and before going out to public hearing.

Vice Chair Albitz motioned to move the proposed rules to public hearing. 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, Hawaii Revised Statutes

1. Review and Update Board's "Discussion Leader Assignments" for the State and County Agencies' Hawaii Administrative Rules

Chair Cundiff expressed regrets that board member Ms. Rodighiero is leaving at the end of June and that the SBRRB appreciated everything she provided to the meetings, and wished her well in her upcoming endeavors.

As a result of Ms. Rodighiero's absence from the Board, the following changes to the discussion leader assignments were discussed:

- DCCA for Back-up Discussion Leader – Alphabetized rotation of board members and/or Chair
- Department of Education – Back-up Discussion Leader or Chair
- DLNR for Back-up Discussion Leader – Alphabetized rotation of board members and/or Chair
- County of Kauai for Back-up Discussion Leader – Alphabetized rotation of board members and/or Chair

Mr. Morioka motioned to adjust the discussion leader assignments to show that where Ms. Rodighiero is a discussion leader, the back-up discussion leader will take-over, and where she is a back-up discussion leader there will be an alphabetized rotation of the board members and/or the Chair; Ms. Rodighiero seconded and the Board members unanimously agreed.

2. Presentations to Industry Associations

No new updates were reported.

3. Staff's Small Business Outreach

Ms. Ariola performed outreach at the new Wai Kai in Ewa Beach where 40+ vendors were stationed. Chair Cundiff suggested that Ms. Ariola report back to this Board if and when any of the small businesses that she had approached contacts her in the future.

Mr. Ritchie added that another outreach event, the Small Business Fair located at Leeward Community College, which was also held last year, is scheduled for Saturday, September 16th. DBEDT will again have a table at the event; Ms. Ariola is planning to be at DBEDT's table for outreach purposes.

Vice Chair Albitz mentioned that she was contacted by a small business owner who attended the SBRRB's presentation in May sponsored by the Maui

Economic Development Board. The business owner had voiced concerns about the Department of Labor and Industrial Relations' Boiler rules that were reviewed by this Board a few years ago. More information will be coming forth in order for this Board to review the business owner's regulatory concerns.

4. Director Letters and Meetings with State Agencies and Counties

No new updates were reported.

VI. ELECTION OF BOARD OFFICERS

A. Discussion and Action on the following:

1. Chairperson, pursuant to Section 201M-5(c), HRS

Chair Cundiff motioned to nominate Ms. Mary Albitz as Chair of the Board under Section 201M-5 (c), HRS, for fiscal year 2024; Mr. Lee seconded the motion and the Board members unanimously agreed.

2. Vice Chair

Mr. Ritchie motioned to nominate Mr. Robert Cundiff as Vice Chair of the Board for fiscal year 2024; Vice Chair Albitz seconded the motion and the Board members unanimously agreed.

3. Second Vice Chair

Vice Chair Albitz motioned to nominate Mr. Jonathan Shick as Second Vice Chair of the Board for fiscal year 2024; Mr. Ritchie seconded the motion and the Board members unanimously agreed.

VII. NEXT MEETING - Thursday, July 20, 2023 at 10:00 a.m. in conference room 405 at Leiopapa A Kamehameha Building – State Office Tower – 235 S. Beretania Street, Honolulu, HI 96813.

VIII. ADJOURNMENT – Mr. Morioka motioned to adjourn the meeting and Ms. Rodighiero seconded the motion; the meeting adjourned at 10:57 a.m.