

## Small Business Regulatory Review Board

### MEETING MINUTES

March 28, 2024

### ZOOM Recording

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

**MEMBERS PRESENT:**

- Mary Albitz, Chair
- Robert Cundiff, Vice Chair
- Jonathan Shick, 2<sup>nd</sup> Vice Chair
- Garth Yamanaka
- Nancy Atmospera-Walch
- James (Kimo) Lee
- Tessa Gomes
- Sanford Morioka
- Mark Ritchie

**ABSENT MEMBERS:**

- William Lydgate

**STAFF: DBEDT**

Dori Palcovich  
Jet'aime Ariola

**Office of the Attorney General**

Alison Kato

### II. **APPROVAL OF February 15, 2024 MINUTES**

Mr. Lee motioned to accept the February 15, 2024 meeting minutes, as presented. Vice Chair Cundiff 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 15 Chapter 217, Mauka Area Rules, promulgated by Hawaii Community Development Authority (HCDA) / Department of Business, Economic Development, and Tourism (DBEDT)

Discussion leader, Vice Chair Cundiff, noted that the proposed rules represent post public hearing. The rules have been worked on for several years and HCDA has done a tremendous amount of outreach to the community; as a result, much of the feedback and suggestions received were incorporated into the final rules.

Mr. Ryan Tam, HCDA Director of Planning and Development, explained what had occurred during the public hearing which resulted in many of the minor suggested comments being

incorporated into the rules; this included eliminating parking cost disclosures. Other suggestions, which included larger policy changes, such as not utilizing the City's bicycle parking requirements, were not accepted by HCDA, and as such were not incorporated into the final rules.

Mr. Tam proceeded to go through the slide presentation which included the Mauka rules amendment objectives, HCDA's community engagement, which began in 2020 and included a public on-line survey and streamlining of the permits regarding the current rules versus the proposed rules. Additional topics included parking reforms, achieving community benefits that encompass incentive zoning and entails larger projects in exchange for environmental and public benefits, neighborhood zones, height limits, and building and frontage types.

Mr. Ritchie made a motion to pass the rules onto the Governor for adoption. Second Vice Chair Shick 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 13 Chapter 74, License and Permit Provisions for Fishing, Fish, and Fish Products, promulgated by Department of Land and Natural Resources (DLNR)

Discussion leader and Second Vice Chair Shick requested that Mr. David Sakoda, Fisheries Program Manager at DLNR's Division of Aquatic Resources, provide the Board with a summary of the public hearings. Mr. Sakoda explained that the proposed rule changes entail the creation of new commercial dealer license fees as well as adding and updating other annual fee requirements. Licenses encompass commercial dealer licenses, commercial dealer vessel licenses, and non-resident recreational fishing licenses.

Hybrid state-wide Zoom public hearings were held along with in-person host sites throughout the state. Overall, six testimonies were received at the hearings, with three written comments. All were in support of the proposed changes except one. While many suggestions were made, they were all beyond the scope of the proposal, so they were not incorporated into the final rules, and none of the comments were in opposition of the proposed fees. Mr. Sakoda added that largely due to substantial pre-hearing scoping, all changes made were non-substantive in nature.

Vice Chair Cundiff made a motion to pass the rules onto the Governor for adoption. Second Vice Chair Shick seconded the motion, and the Board members unanimously agreed.

#### **IV. 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 Becker Communications, Inc., regarding the Board's Small Business Outreach Purposes

Representatives from Becker Communications will be attending April's board meeting to interview board members, take photos and film a video for You Tube.

## 2. Presentations to Industry Associations

Nothing was reported by the Board members.

## 3. Staff's Small Business Outreach

DBEDT's Program Specialist Ms. Ariola recently distributed brochures to the Business Action Center, the Better Business Bureau, the Small Business Development Center, and Small Business Hawaii. She also spoke with the Oahu Business Connector and expressed her desire to piggyback onto the Connector's business efforts.

Mr. Ritchie announced that the annual Small Business Fair, held at Leeward Community College, is scheduled tentatively this year for either September 21<sup>st</sup> or the 28<sup>th</sup>, of which, DBEDT and this Board will share a table.

## V. **LEGISLATIVE MATTERS**

A. Update, Discussion and Action, if necessary, on the following legislative matters:

1. Senate Resolution 56 – Requesting Businesses in Hawaii to Use Hawaiian Language and Requesting the Department of Education to Develop and Implement Programs to Teach Employees Hawaiian and Hire Permanent Hawaii Language Teachers

The members discussed the benefits of this resolution and opted to stay neutral without testifying either in support or in opposition.

2. House Bill 1956 Relating to Economic Development – Establishes a business revitalization task force to identify methods to improve Hawaii's general economic competitiveness and business climate, including by mitigating regulatory and tax burdens; requires a report to the legislature.

This bill was deferred on March 12<sup>th</sup>.

3. House Bill 2354 Relating to the Small Business Regulatory Review Board – Clarifies that the Small Business Regulatory Review Board has the authority to review legislation affecting small businesses in response to a request from small business owners.

This bill is scheduled for public decision making on April 4<sup>th</sup> at 10:00 a.m. in the Judiciary Committee.

4. Senate Bill 3043 Relating to the Small Business Regulatory Review Board – Clarifies that the Small Business Regulatory Review Board has the authority to review legislation affecting small businesses in response to a request from small business owners.

This bill was deferred on March 12<sup>th</sup> due to its companion, House Bill 2354 (see above), being still alive.

5. Senate Bill 2974 Relating to Economic Development – Establishes a Business Revitalization Task Force within the Department of Business, Economic Development, and Tourism to identify methods to improve Hawaii’s general economic Competitiveness and business climate, including by mitigating regulatory and tax burdens; and require a report to the Legislature

The Legislature added that a member of this Board be including in the revitalization taskforce.

Mr. Yamanaka motioned for this Board to provide testimony in support of Senate Bill 2974. Vice Chair Cundiff seconded the motion and the Board members unanimously agreed.

- VI. **NEXT MEETING** – Thursday, April 18, 2024 at 10:00 a.m., via Zoom and in conference room 405 at Leiopapa A Kamehameha Building – State Office Tower – 235 S. Beretania Street, Honolulu, HI 96813.
- VII. **ADJOURNMENT** – Vice Chair Cundiff motioned to adjourn the meeting and Second Vice Chair Shick seconded the motion; the meeting adjourned at 11:00 a.m.