



SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism
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AGENDA

Wednesday, December 7, 2011 ★ 10:30 a.m.
No. 1 Capitol District Building
250 South Hotel Street - Conference Room 436

I. Call to Order

II. Introduction of New Board Member Chu Lan Shubert-Kwock

III. Approval of October 5, 2011 Minutes

IV. Old Business

- A. HAR Chapter 16-71, Relating to Certified Public Accountants and Public Accountants / Discussion of October 10, 2011 letter from Hawaii Association of Public Accountants, - "Board of Public Accountancy Meeting on October 7, 2011 and Repeal of HAR 16-71-21(e)," which mandated that the experience required of an applicant for a certified public accountant license be under the supervision of an individual or supervisor who held both a license and a permit to practice in Hawaii or their equivalent in another jurisdiction during the period of supervision (Department of Commerce and Consumer Affairs)
- B. Re-review of proposed new Chapter 17-1445, "Recertification of Nurse Aides in State-Licensed or State-Certified Health Care Settings," which establishes standards for certified nurse aides in State-licensed or State-certified health care settings who choose to be recertified or whose recertification is required by their employers (Department of Human Services)
- C. Post public hearing statement on HAR Chapter 11-20, "Rules Relating to Potable Water Systems" – updates the rules previously adopted by the federal government (Department of Health)
- D. HAR Chapter 11-218, "Communication Access Services for Persons who are Deaf, Hard of Hearing and Blind Deaf" – establishes a continuing education program for sign language interpreters who receive the Hawaii Quality Assurance System credential (HQAS), amends the HQAS testing fees and the length of time provision for sign language service assignments (Department of Health)
- E. Decision on Ms. Stacie Thorlakson's application to become a Small Business Regulatory Review Board member

V. New Business

- A. HAR Section 3-120-4, "Procurements Exempt from Chapter 103D" – amends date of exempted procurements from chapter 103D, HRS, removes and amends language in the exemption list;" HAR Chapter 3-124, "Preferences, Subchapter 1, Hawaii Products," amends definitions to align with Act 175, SLH 2009, allows offerors to submit with an offer a Hawaii product self-certification from produce manufacturer or producer, allows procurement officer authority to determine qualification for Hawaii product preference for a particular solicitation, reduces number of Hawaii product classes to two for certain

products and requires over 50% Hawaii input counted towards total cost of product; HAR Section 3-125-13, "Price Adjustment in Construction Contracts," makes 18-month rules permanent, and amends price adjustment methods and submission of cost or pricing data (Department of Accounting and General Services)

- B.** HAR Chapter 4-72, "Plant and Non-Domestic Animal Quarantine, Plant Intrastate Rules," HAR Section 4-72-12, Restrictions on Coffee, designates Island of Hawaii and other islands as coffee berry borer infested areas as coffee berry borer restricted areas, provides that an infested area may be expanded by the Board of Agriculture; authorizes the Department's Plant Quarantine (PPQ) Branch chief to issue permits for intrastate transportation of coffee plants, plant parts, green coffee beans, used coffee bags, and coffee harvesting equipment with conditions appropriate to the applicable circumstance; authorizes the PQB chief to approve new treatments and mitigative measures and provides exemption from quarantine restrictions for coffee plants, plant parts, etc.; HAR Section 4-72-4.5, "Designation of Infested Areas," authorizes Board of Agriculture to expand a designated area of infestation to reflect spread of a pest in order to implement quarantine measures in the newly infested area on a timely basis; HAR Section 4-72.2, Definitions, adds definitions, HAR Section 4-72-4, "Prohibited Transportation," changes the requirement that a commodity infested with any pest shall not be transported between the islands unless treated with a pesticide, and allows for alternative treatments; HAR Section 4-72-8, "Restrictions on Harboring, Breeding, etc. of Pests," adds "transport" of a pest to other activities; HAR Section 4-72-11, "Restrictions on Banana," changes sequence of "banana bunchy top virus" (Department of Agriculture)
- C.** Kauai Department of Water's Proposed Amendment to Part IV of the Rules and Regulations of the Kauai County Department of Water – Section I – General Use Rates – revises service charges and use charges; Section III – Agricultural Rates – Revises service and consumption charges; Section V – Private Fire Service Charges – revises service charges; Section VI – Public Fire Service Charges – Revises services charges; Section X – Cost of Power Adjustment Clause – Revises Schedule A, Anticipated Unit Power Costs (Department of Water - County of Kauai)
- D.** HAR Chapter 12, Subtitle 8, "Hawaii Occupational Safety and Health" – incorporates Title 29, Parts 1910 and 1926 of the Code of Federal Regulations, 2011 edition - comprises federal general industry and occupational health standards, deletes several chapters, adds definitions, and includes housekeeping measures (Department of Labor and Industrial Relations)

VI. Legislative Measures

- A.** Discussion of Department of Business, Economic Development and Tourism's Proposed 2012 Legislation, "Relating to the Small Business Regulatory Review Board" – Transfers the small business regulatory review board from the department of business, economic development and tourism to department of commerce and consumer affairs
- B.** Discussion of Representative John Mizuno's Proposed House Bill "Relating to Health" – Requires rates for Medicaid reimbursements to hospitals for acute-care patients waitlisted for long-term care to be equal to rates for subacute care services

VII. Board Administrative Matters

- A. Approval of draft 2010 Annual Report Summary
- B. Approval of draft 201M-7 Periodic Review; Evaluation Report, 2010
- C. Approval of draft 2011 Annual Report Summary
- D. Discussion of Board's proposed 201M-7 Periodic Review; Evaluation Report for 2012
- E. Review of Discussion Leader Assignments
- F. Discussion of Strategic Planning Session
- G. Discussion of Hawaii Medical Service Association's (HMSA's) rate hikes

VIII. Report from Chair

- A. Administrative Rule Amendments with No Specific Business Impact
 - 1. HAR Chapter 17-676, "Relating to the Income Family Assistance Programs;" HAR Sections 17-656.2 "Other Family Assistance Programs;" and 17-676.55, "Earned Income disregard reimbursement to reward work in the TANF program" – to be repealed effective December 31, 2011 due to budget constraints (Department of Human Services)
 - 2. HAR Chapter 16-23, "Motor Vehicle Insurance Law" – Repeals and amends out-dated, irrelevant and inconsistent rules relating to motor vehicle insurance law (Department of Commerce and Consumer Affairs)
 - 3. HAR Chapter 17-2021, "Grievance Procedure" – Amends references to state low-income public housing projects and housekeeping measures (Department of Human Services)
 - 4. Post public hearing statement on HAR Chapter 13-5, "Conservation District" – designates 28 acres of conservation land that was originally zoned agriculture (Department of Land and Natural Resources)
 - 5. Post public hearing statement on HAR Chapter 11-60.1, "Air Pollution Control," Section 11-60.1-15, "Open Burning,"- enhances the Agricultural Burning Permit application process; clarifies the conditions under which certain categories of open burning are allowed; further clarifies that the rules do not allow the open burning of human remains or animal carcasses, except as a result of a natural disaster or catastrophic event and/or emergency, where there is no other reasonable alternative method of disposal, and Director of Health approves of the open burning in advance; prohibits the open burning of household rubbish and green waste statewide; prohibits open burning fires to heat water for residential bathing purposes; allows for Field Citations to be issued against violators found to be operating air pollution sources without a valid air permit (Department of Health)

IX. Announcements

- X. **Next Meeting:** Tuesday, January 17, 2011, No. 1 Capitol District Building, 250 South Hotel Street, Conference Room 410, Honolulu, HI

XI. 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 disable), please call (808) 586-2594 at least 3 business days prior to the meeting so arrangements can be made.