

## MEMORANDUM

To: Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee on Judiciary

From: Anthony Borge

Re: House Bill 1912, "Relating to Administrative Rules"

Date: Thursday, February 11, 2016, 2:00 PM, Conference Room 325

My name is Anthony Borge and I am a member and current Chair of the Small Business Regulatory Review Board (SBRRB). I am submitting testimony as an individual small business person. I personally support HB 1912, Relating to Administrative Rules, which establishes a task force to review administrative rules and recommend the repeal of rules that are no longer statutory authorized.

Under Chapter 201M, Hawaii Revised Statutes (HRS), the SBRRB is responsible for providing recommendations to State and County agencies on new and amended rules that directly impact small business. Under Section 201M-7, HRS, each State agency is required to submit to the SBRRB a list of rules to be amended or repealed, based upon new, amended or repealed statutes, every other year. Further, under this section, an agency must also submit a report describing the specific public purpose or interest for adopting the rules and any other reasons to justify the rules' continued implementation.

While the 201M-7 report is helpful in targeting those rules that may be obsolete, duplicative, conflict with other rules or exceed statutory authority, it is only one part of the rule-review process. Therefore, as a member of the SBRRB, I believe that it is essential that a separate task force, with a "balanced representation" among the members be created to review existing administrative rules and to recommend the repeal of rules that are based on statutory authority that is no longer effective. This will strengthen and streamline an important aspect of the rulemaking process.

Thank you for the opportunity to provide testimony in support of this measure.