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# A BILL FOR AN ACT

RELATING TO THE SMALL BUSINESS REGULATORY REVIEW BOARD.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature is concerned that rules adopted  
2 by state agencies are often not amended or repealed to reflect  
3 recent changes to the statutes being implemented by the rules.  
4 This leads to inconsistencies and confusion, such as where a  
5 statute has been repealed but the rules that were adopted in  
6 accordance with the statute continue to exist. The legislature  
7 is particularly concerned that the failure to keep the rules up-  
8 to-date may cause state agencies, if only inadvertently, to  
9 follow and administer rules that no longer have any statutory  
10 basis. This situation is detrimental to business generally, and  
11 small business in particular.

12           The purpose of this Act is to ensure that administrative  
13 rules are reviewed and updated to remain current with related  
14 statutory provisions.

15           SECTION 2. Chapter 201M, Hawaii Revised Statutes, is  
16 amended by adding a new section to be appropriately designated  
17 and to read as follows:



1           "§201M-      Annual review of rules affected by statutory  
2 changes.   (a)   The small business regulatory review board shall  
3 work with state agencies to identify rules that need to be  
4 amended or repealed to conform to the repeal of the underlying  
5 statutes implemented by those rules, and to ensure that the  
6 statutory references in rules are current.

7           (b)   The governor is directed to work with the board and  
8 other state agencies to develop internal processes such as  
9 modifications to existing directives, to expedite rulemaking  
10 actions that consist solely of amendments to and repeal of rules  
11 for the purpose of conforming to the repeal of statutes.

12           (c)   The board shall report to the legislature not later  
13 than twenty days prior to the convening of the regular sessions  
14 of 2010 and 2011, and thereafter as needed, on the  
15 implementation of the requirements of this section, and  
16 recommendations, if necessary, on proposed legislation."

17           SECTION 3.   New statutory material is underscored.

18           SECTION 4.   This Act shall take effect on July 1, 2112.

**Report Title:**

Administrative Rules; Small Business Regulatory Review Board

**Description:**

Requires the small business regulatory review board to identify rules that shall be amended or repealed to conform to the repeal of related statutes. Directs the board to work with state agencies to develop a procedure for expediting the amendment or repeal of rules when the changes are required only to comply with the repeal of statutes. (HB1622 HD1)

