

Honolulu, Hawaii

Feb 29, 2008

RE: H.B. No. 2736  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and  
Judiciary, to which was referred H.B. No. 2736, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS BILL OF  
RIGHTS,"

beg leave to report as follows:

The purpose of this bill is to support small businesses by:

- (1) Establishing the Small Business Bill of Rights; and
- (2) Requiring the Ombudsman to investigate complaints of  
violations of the Small Business Bill of Rights.

The Small Business Regulatory Review Board, Retail Merchants  
of Hawaii, Hawaii Business League, and National Federation of  
Independent Businesses in Hawaii testified in support of this  
bill. The Department of Commerce and Consumer Affairs, Department  
of Business, Economic Development, and Tourism, and the Office of  
the Ombudsman submitted comments.

Questions were raised as to whether some of the "rights"  
provided by this bill are actually enforceable. Furthermore, the  
Ombudsman has expressed concerns that this bill may prompt small  
businesses to request confidential information from the Ombudsman  
and would also create a preferred class of complainants by  
requiring the Ombudsman to investigate every complaint of a  
violation of the Small Business Bill of Rights. Your Committees



note that this bill has a defective date and are moving this bill along for further discussion.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2736, H.D. 1, and recommend that it pass Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committees on Consumer  
Protection & Commerce and  
Judiciary,



TOMMY WATERS, Chair



ROBERT N. HERKES, Chair





