

Honolulu, Hawaii

MAR 20 2008

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

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Economic Development and Taxation, 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,"

begs leave to report as follows:

The purpose of this measure is to protect Hawaii's small businesses by:

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

Testimony in support of this measure was received from the National Federation of Independent Business, the Small Business Regulatory Review Board, The Chamber of Commerce of Hawaii, and the Retail Merchants of Hawaii. The Department of Business, Economic Development, and Tourism; the Department of Commerce and Consumer Affairs; and the Ombudsman submitted comments.

Your Committee finds that small businesses are an essential element in strengthening and diversifying Hawaii's economy. A "small business bill of rights" would afford small businesses equal and fair treatment and aid in the reduction of roadblocks to business success, which will result in increased investments and job growth in Hawaii.



Your Committee has amended this measure by:

- (1) Clarifying the right to submit complaints regarding the administrative actions of state and county agencies with the Office of the Ombudsman, in accordance with chapter 96, Hawaii Revised Statutes;
- (2) Deleting section 3, which would authorize any person to lodge a complaint with the Ombudsman, as unnecessary, since existing law already allows this; and
- (3) Making nonsubstantive, technical amendments to conform to the preferred drafting style.

Your Committee wishes to thank the Department of Business, Economic Development, and Tourism; the Small Business Regulatory Review Board; the Department of Commerce and Consumer Affairs; and small business advocates for their collaborative efforts to draft language that will be acceptable to the parties involved. Your Committee notes that these entities may still have further recommendations for amendments to this measure when it is heard by the Committees on Judiciary and Labor and Commerce, Consumer Protection, and Affordable Housing.

As affirmed by the record of votes of the members of your Committee on Economic Development and Taxation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2736, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2736, H.D. 1, S.D. 1, and be referred to the Committees on Judiciary and Labor and Commerce, Consumer Protection, and Affordable Housing.

Respectfully submitted on
behalf of the members of the
Committee on Economic
Development and Taxation,


CAROL FUKUNAGA, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Economic Development and Taxation
EDT

Bill / Resolution No.:* HB 2736 HD 1	Committee Referral: EDT, JDL/CPH	Date: 3/18/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
FUKUNAGA, Carol (C)	✓			
ESPERO, Will (VC)	✓			
BAKER, Rosalyn H.				✓
ENGLISH, J. Kalani	✓			
IGE, David Y.	✓			
SLOM, Sam				✓
TOTAL	4			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Will Espo</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes