STAND. COM. REP. NO. 509 -08

Honolulu, Hawaii , 2008 Fen 29 H.B. No. 2736 RE: 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



STAND. COM. REP. NO. **809** -08 Page 2

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

h

ROBERT N. HERKES, Chair



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB2736,HD1(HSCR360-08)	Committee Referral: EDB, CPC/JUD	Dat	e: 2-21-0.	5
□ The committee is reconsidering its previou		L	······	
	amended (as is)	s, with amendments nmit for future publ		
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. HERKES, Robert N. (C)				
2. McKELVEY, Angus L.K. (VC)				
3. EVANS, Cindy				
4. GREEN, Josh, M.D.				/
5. ITO, Ken	/			
6. LUKE, Sylvia				· ·
7. MORITA, Hermina M.				1
8. SONSON, Alex M.				/
9. SOUKI, Joseph M.	Ph.			
10. TSUJI, Clift		1		
11. YAMANE, Ryan I.	-			
12. YAMASHITA, Kyle T.				
13. MARUMOTO, Barbara C.				
14. THIELEN, Cynthia	✓			
TOTAL (14)	8	I		5
The recommendation is: Adopte If joint refe	•	did not supp	ort recommendatio	n.
Vice Chair's or designee's signature:	Kayen & Ctrum			
Distribution: Original (White) – Comm	ittee Duplicate (Yello	w) – Chief Clerk's (Office	

State of Hawaii House of Representatives The Twenty-fourth Legislature

HSCR 809-08

Record of Votes of the Committee on Judiciary

	Committee Referral: DB,CPC/JUD	Dat	Date: 2-21-03		
The committee is reconsidering its previou	s decision on the measure.		A		
	amended (as is)	ss, with amendments mmit for future pub			
JUD Members	Ayes	Ayes (WR)	Nays	Excused	
1. WATERS, Tommy (C)					
2. OSHIRO, Blake K. (VC)					
3. EVANS, Cindy					
4. GREEN, Josh, M.D.				1	
5. ITO, Ken					
6. LUKE, Sylvia				/	
7. McKELVEY, Angus L.K.					
8. MORITA, Hermina M.				-	
9. SONSON, Alex M.				1	
10. SOUKI, Joseph M.	•				
11. TSUJI, Clift	/				
12. YAMANE, Ryan I.					
13. YAMASHITA, Kyle T.					
4. MARUMOTO, Barbara C.					
15. PINE, Kymberly Marcos					
16. THIELEN, Cynthia	/				
5.					
-					
TOTAL (16)	10	1		5	
The recommendation is: Adopted If joint refer		did not supp	ort recommendation	I	
Vice Chair's or designee's signature:	y Kaun			2	
Distribution: Original (White) – Commit	ttee Duplicate (Yell	ow) – Chief Clerk's	Office	******	