

Honolulu, Hawaii

FEB 09 2012

RE: S.B. No. 2739

S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Economic Development and Technology and
Commerce and Consumer Protection, to which was referred S.B.
No. 2739 entitled:

"A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY
REVIEW BOARD,"

beg leave to report as follows:

The purpose and intent of this measure is to ensure the
stability of the Small Business Regulatory Review Board by:

- (1) Transferring the Board, with its statutory duties and
powers, from the Department of Business, Economic
Development, and Tourism to the Department of Commerce
and Consumer Affairs, and authorizing the expenses of
the Board to be funded from the compliance resolution
fund; and
- (2) Requiring each agency to notify the Small Business
Regulatory Review Board on an annual basis of any rules
that affect small business and are required to be
amended or repealed to reflect statutory amendments or
repeals.

Your Committees received testimony in support of this measure
from the Department of Business, Economic Development, and
Tourism; Hawaii Farm Bureau; and two individuals. Your Committees
received comments on this measure from the Department of Commerce



and Consumer Affairs and the Department of Human Resources Development.

Your Committees find that, despite ongoing discussions between the Department of Business, Economic Development, and Tourism and the Department of Commerce and Consumer Affairs, the two agencies have not reached an agreement on the placement of the Small Business Regulatory Review Board, or the means of funding for the Board. Your Committees also have concerns regarding a transfer of the Board to the Department of Commerce and Consumer Affairs, and believe consideration should be given to moving the Board to a non-regulatory agency, such as the Department of Accounting and General Services. If such a transfer were to take place, your Committees would want to ensure that proper protections for any staffing transfers are in place.

Your Committees urge the agencies involved to continue to explore options in order to provide the Small Business Regulatory Review Board with the financial and staffing resources necessary to meet its statutorily mandated responsibilities.

Your Committees have amended this measure by:

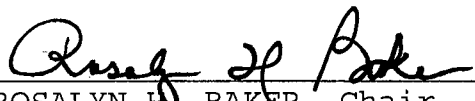
- (1) Deleting the transfer of the Small Business Regulatory Review Board from the Department of Business, Economic Development, and Tourism to the Department of Commerce and Consumer Affairs;
- (2) Deleting the authorization for the expenses of the Board to be funded from the compliance resolution fund; and
- (3) Authorizing the Department of Business, Economic Development, and Tourism to establish fees pursuant to chapter 91, to be charged to each agency submitting rules to the board pursuant to section 201M-7, Hawaii Revised Statutes, as part of the agency submission process, with the fees to be used for the expenses of the Small Business Regulatory Review Board.

As affirmed by the records of votes of the members of your Committees on Economic Development and Technology and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2739, as amended herein, and recommend that it pass Second



Reading in the form attached hereto as S.B. No. 2739, S.D. 1, and
be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Economic
Development and Technology and
Commerce and Consumer
Protection,



ROSALYN H. BAKER, Chair



CAROL FUKUNAGA, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i


Record of Votes
Committee on Economic Development and Technology
EDT

Bill / Resolution No.:* SB 2739	Committee Referral: EDT/CPN, WAM	Date: 2/1/2012		
<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)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
SOLOMON, Malama	✓			
SLOM, Sam	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2739	EDT/CPN, WAM	2-2-12		
<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
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
GALUTERIA, Brickwood	✓			
GREEN, M.D., Josh	✓			
NISHIHARA, Clarence K.	✓			
SOLOMON, Malama	✓			
SLOM, Sam				✓
TOTAL	6	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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