

Honolulu, Hawaii

APR 09 2009

RE: H.B. No. 1212
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 1212, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES,"

begs leave to report as follows:

The purpose of this measure is to protect from public disclosure certain information compiled as part of an inquiry into an individual's fitness to be granted or to retain a professional or vocational license.

Under this measure, records of complaints and their dispositions would not be disclosed.

Your Committee received testimony in support of and in opposition to this measure. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Section 92F-12, Hawaii Revised Statutes, generally requires government records to be made available for public inspection. Section 92F-13(1), Hawaii Revised Statutes, provides an exception for "government records which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy." Where "the public interest in disclosure outweighs the privacy interest of the individual," section 92F-14(a), Hawaii Revised Statutes, holds that disclosure is not a "clearly unwarranted invasion of personal privacy."



According to section 92F-14(b), Hawaii Revised Statutes, "examples of information in which the individual has a significant privacy interest," include "information compiled as part of an inquiry into an individual's fitness to be granted or to retain a license," except for, among other things, "the record of any proceeding resulting in discipline of a licensee and the grounds for discipline" and "the record of complaints including all dispositions." This measure deletes the latter exception.

Your Committee has amended this measure by:

- (1) Changing the effective date to upon approval; and
- (2) Inserting a sunset of July 1, 2014, in the interests of reviewing the measure again to evaluate its implementation.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1212, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1212, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

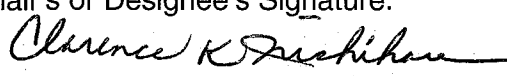
Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1212, HD1	JGO	3/20/2009		
<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
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)				✓
BUNDA, Robert				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	4			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes