

JAN 20 2012

S.B. NO. 2386

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# A BILL FOR AN ACT

RELATING TO THE NATIVE HAWAIIAN ROLL COMMISSION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 10H-3, Hawaii Revised Statutes, is  
2 amended by amending its title and subsection (a) to read as  
3 follows:

4           "~~§~~10H-3~~§~~ Native Hawaiian roll commission. (a) There  
5 is established a five-member Native Hawaiian roll commission  
6 within the office of Hawaiian affairs for administrative  
7 purposes only. The Native Hawaiian roll commission shall be  
8 responsible for:

- 9           (1) Preparing and maintaining a roll of qualified Native  
10           Hawaiians; [and]
- 11           (2) Certifying that the individuals on the roll of  
12           qualified Native Hawaiians meet the definition of  
13           qualified Native Hawaiians. For purposes of  
14           establishing the roll, a "qualified Native Hawaiian"  
15           means an individual who the commission determines has  
16           satisfied the following criteria and who makes a  
17           written statement certifying that the individual:

18           (A) Is:



- 1                   (i) An individual who is a descendant of the
- 2                   aboriginal peoples who, prior to 1778,
- 3                   occupied and exercised sovereignty in the
- 4                   Hawaiian islands, the area that now
- 5                   constitutes the State of Hawaii; or
- 6                   (ii) An individual who is one of the indigenous,
- 7                   native people of Hawaii and who was eligible
- 8                   in 1921 for the programs authorized by the
- 9                   Hawaiian Homes Commission Act, 1920, or a
- 10                  direct lineal descendant of that individual;
- 11                  (B) Has maintained a significant cultural, social, or
- 12                  civic connection to the Native Hawaiian community
- 13                  and wishes to participate in the organization of
- 14                  the Native Hawaiian governing entity; and
- 15                  (C) Is eighteen years of age or older[-]; and
- 16                  (3) Receiving and maintaining documents that verify
- 17                  ancestry; cultural, social, or civic connection to the
- 18                  Native Hawaiian community; and age from individuals
- 19                  seeking to be included in the roll of qualified Native
- 20                  Hawaiians. These verification documents shall be
- 21                  subject to section 92F-14 and the commission shall
- 22                  keep these documents confidential."



1 SECTION 2. Section 10H-4, Hawaii Revised Statutes, is  
2 amended by amending its title and subsection (a) to read as  
3 follows:

4 "[+]§10H-4[+] Notice of qualified Native Hawaiian roll.

5 (a) The commission shall publish notice of the certification of  
6 the qualified Native Hawaiian roll, update the roll as  
7 necessary, and publish notice of the updated roll of qualified  
8 Native Hawaiians [-]; provided that the commission shall not  
9 publish or release any verification documents of any qualified  
10 Native Hawaiian on the roll."

11 SECTION 3. Section 92F-14, Hawaii Revised Statutes, is  
12 amended by amending subsection (b) to read as follows:

13 "(b) The following are examples of information in which  
14 the individual has a significant privacy interest:

15 (1) Information relating to medical, psychiatric, or  
16 psychological history, diagnosis, condition,  
17 treatment, or evaluation, other than directory  
18 information while an individual is present at such  
19 facility;

20 (2) Information identifiable as part of an investigation  
21 into a possible violation of criminal law, except to



1 the extent that disclosure is necessary to prosecute  
2 the violation or to continue the investigation;

3 (3) Information relating to eligibility for social  
4 services or welfare benefits or to the determination  
5 of benefit levels;

6 (4) Information in an agency's personnel file, or  
7 applications, nominations, recommendations, or  
8 proposals for public employment or appointment to a  
9 governmental position, except:

10 (A) Information disclosed under section  
11 92F-12(a)(14); and

12 (B) The following information related to employment  
13 misconduct that results in an employee's  
14 suspension or discharge:

15 (i) The name of the employee;

16 (ii) The nature of the employment related  
17 misconduct;

18 (iii) The agency's summary of the allegations of  
19 misconduct;

20 (iv) Findings of fact and conclusions of law; and

21 (v) The disciplinary action taken by the agency;



1           when the following has occurred: the highest  
2           non-judicial grievance adjustment procedure  
3           timely invoked by the employee or the employee's  
4           representative has concluded; a written decision  
5           sustaining the suspension or discharge has been  
6           issued after this procedure; and thirty calendar  
7           days have elapsed following the issuance of the  
8           decision; provided that this subparagraph shall  
9           not apply to a county police department officer  
10          except in a case which results in the discharge  
11          of the officer;

12          (5) Information relating to an individual's  
13          nongovernmental employment history except as necessary  
14          to demonstrate compliance with requirements for a  
15          particular government position;

16          (6) Information describing an individual's finances,  
17          income, assets, liabilities, net worth, bank balances,  
18          financial history or activities, or creditworthiness;

19          (7) Information compiled as part of an inquiry into an  
20          individual's fitness to be granted or to retain a  
21          license, except:



1 (A) The record of any proceeding resulting in the  
2 discipline of a licensee and the grounds for  
3 discipline;

4 (B) Information on the current place of employment  
5 and required insurance coverages of licensees;  
6 and

7 (C) The record of complaints including all  
8 dispositions;

9 (8) Information comprising a personal recommendation or  
10 evaluation; [~~and~~]

11 (9) Social security numbers [~~-~~]; and

12 (10) Information and documents received, obtained, and  
13 maintained by the Native Hawaiian roll commission for  
14 the purposes of satisfying the criteria for inclusion  
15 in the roll of qualified Native Hawaiians under  
16 section 10H-3. The commission shall keep these  
17 documents and information confidential."

18 SECTION 4. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

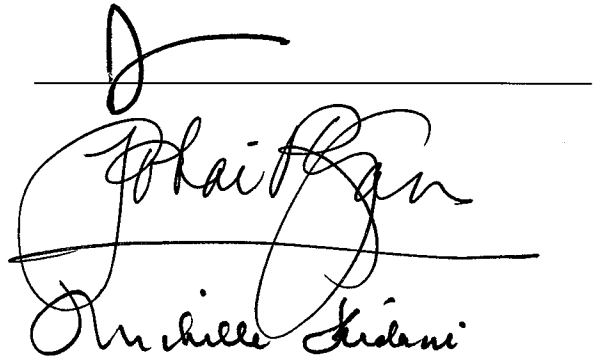
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1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

  
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# S.B. NO. 2386

**Report Title:**

Native Hawaiian Roll Commission; Qualified Native Hawaiian Roll; Privacy

**Description:**

Specifies the verification documents submitted by individuals seeking to be included on the roll of qualified Native Hawaiians as information in which an individual has a significant privacy interest, which shall not be disclosed, while ensuring the commission's authority to publish registered names and the notice of certification of the roll, as required under existing law.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

