

Honolulu, Hawaii

March 2, 2012

RE: H.B. No. 2298
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Judiciary and Consumer Protection & Commerce, to which was referred H.B. No. 2298, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PRIVACY RIGHTS,"

beg leave to report as follows:

The purpose of this measure, as received by your Committees, is to specify that with regard to the public disclosure of government records, a professional or vocational licensee does not have a significant privacy interest with respect to information regarding complaints made against the licensee if the licensee was given an opportunity to respond to the complaint.

The Hawaii Association of REALTORS testified in support of this measure. The American Physical Therapy Association, Hawaii Chapter testified in opposition to this measure. The Department of Commerce and Consumer Affairs, Office of Information Practices, and Common Cause Hawaii commented on this measure.

After sound discussion and upon consideration, your Committees have amended this bill by deleting its contents and inserting provisions that establish a Complaints Disclosure Task Force within the Department of Commerce and Consumer Affairs to research, assess, plan, and evaluate:

- (1) The feasibility, benefits, and drawbacks of disclosing a complaint against a licensee as currently practiced by the Department of Commerce and Consumer Affairs



Regulated Industries Complaints Office, or of disclosing at an earlier date;

- (2) The most effective means of protecting the public's right to know about dishonest, deceitful, and careless licensees and permitting disclosure of a complaint versus a licensee's privacy rights and the entitlement to fully contest a complaint and to be free from the disclosure of unwarranted complaints;
- (3) How other states manage complaints and address the timing for the disclosure of complaints against licensees to the public; and
- (4) Whether, and what, if any, legislation is needed to address issues of timing and the conditions for disclosure of complaints against licensees and the privacy rights of licensees.

As affirmed by the records of votes of the members of your Committees on Judiciary and Consumer Protection & Commerce that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2298, H.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 2298, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Consumer Protection & Commerce,



ROBERT N. HERKES, Chair



GILBERT KEITH-AGARAN, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR 692-12

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 2298 HD1	Committee Referral: ERB, JUD/CPC	Date: 2/17/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (C)	✓			
2. RHOADS, Karl (VC)	✓			
3. BROWER, Tom	✓			
4. CABANILLA, Rida T.R.	✓			
5. CARROLL, Mele				✓
6. COFFMAN, Denny				✓
7. HERKES, Robert N.	✓			
8. ITO, Ken	✓			
9. LUKE, Sylvia	✓			
10. McKELVEY, Angus L.K.				✓
11. SOUKI, Joseph M.	✓			
12. TSUJI, Cliff	✓			
13. FONTAINE, George R.	✓			
14. MARUMOTO, Barbara C.	✓			
15. THIELEN, Cynthia	✓			
TOTAL (15)	12	0	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ <div style="text-align: center;"><i>Paul Mosh</i></div>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR 692-12

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 2298 HD1	Committee Referral: ERB, JUD/CPC	Date: 2/14/2012		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. HERKES, Robert N. (C)	/			
2. YAMANE, Ryan I. (VC)	/			
3. BROWER, Tom	/			
4. CABANILLA, Rida T.R.	/			
5. CARROLL, Mele				/
6. COFFMAN, Denny				/
7. ITO, Ken	/			
8. KEITH-AGARAN, Gilbert S.C.	/			
9. LUKE, Sylvia	/			
10. McKELVEY, Angus L.K.				/
11. SOUKI, Joseph M.	/			
12. TSUJI, Clift	/			
13. CHING, Corinne W.L.				/
14. MARUMOTO, Barbara C.	/			
15. THIELEN, Cynthia	/			
TOTAL (15)	11			4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: _____				
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