

Honolulu, Hawaii

FEB 12 2013

RE: S.B. No. 1259
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committees on Commerce and Consumer Protection and Technology and the Arts, to which was referred S.B. No. 1259 entitled:

"A BILL FOR AN ACT RELATING TO FREEDOM OF INFORMATION,"

beg leave to report as follows:

The purpose and intent of this measure is to clarify that a license applicant does not have a significant privacy interest in records that show relevant experience, trade examination results, or adequate bonding and makes this information contained in government records subject to disclosure.

Your Committees received testimony in support of this measure from the Iron Workers Stabilization Fund. Your Committees received testimony in opposition to this measure from the Records and Identification Division of the Honolulu Police Department. Your Committees received comments on this measure from the Office of Information Practices.

Your Committees find that this measure clarifies that individuals do not have significant privacy interests in certain records relating to licensing requirements. Because an individual does not have a significant privacy interest in this licensing information, it is public information.

Your Committees further find that this measure amends the Uniform Information Practices Act (Modified), codified as chapter 92F, Hawaii Revised Statutes, by providing that "notwithstanding



any law to the contrary", the disclosure of a record shall not constitute a clearly unwarranted invasion of personal privacy if the public interest in disclosure outweighs the privacy interest. However, your Committees additionally find that this suggested amendment creates conflicts between the Uniform Information Practices Act and other statutes and an inconsistency within the Uniform Information Practices Act itself and should be removed.

Your Committees also find that amendments are necessary to ensure that the proposed exclusions about licensing information pertain only to individuals who currently hold valid licenses, similar to the existing requirements about licensees in the Uniform Information Practices Act.

Accordingly, your Committees have amended this measure by:


- (1) Removing language that would have amended subsection 92F-14(a), Hawaii Revised Statutes;
- (2) Specifying that the licensing information proposed to be excluded from an individual's significant privacy interest applies to licensees only; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Technology and the Arts that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1259, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1259, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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



GLENN WAKAI, Chair

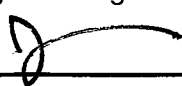


ROSALYN H. BAKER, Chair



The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

| | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------|
| Bill / Resolution No.:* | Committee Referral: | Date: |
| SB 1259 | CPN/TEC, JDL | 2/6/13 |
| <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) | ✓ | |
| GALUTERIA, Brickwood (VC) | ✓ | |
| NISHIHARA, Clarence K. | ✓ | |
| SOLOMON, Malama | ✓ | |
| TANIGUCHI, Brian T. | ✓ | |
| WAKAI, Glenn | ✓ | |
| SLOM, Sam | ✓ | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| TOTAL | 7 | |
| 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

The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Technology and the Arts
TEC

| | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------|----------------------------------|---------|
| Bill / Resolution No.:* | Committee Referral: | Date: | | |
| SB 1259 | CPN/TEC, JDL | 2/6/13 | | |
| <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 |
| WAKAI, Glenn (C) | / | | | |
| NISHIHARA, Clarence K. (VC) | / | | | |
| GABBARD, Mike | / | | | |
| TOKUDA, Jill N. | | | | / |
| SLOM, Sam | / | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL | 4 | 0 | 0 | 1 |
| Recommendation: | | | | |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: | | | | |
| <i>Clarence K. Nishihara</i> | | | | |
| Distribution: | | | | |
| Original File with Committee Report | Yellow Clerk's Office | Pink Drafting Agency | Goldenrod Committee File Copy | |

*Only one measure per Record of Votes