

Honolulu, Hawaii

April 28, 2016

RE: H.B. No. 1739
H.D. 2
S.D. 1
C.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1739, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Prohibit, subject to certain exemptions, employers from:
 - (A) Requiring, requesting, or coercing employees or potential employees to disclose the username, password, or any other information for the purpose of accessing the employee's or potential employee's personal account;
 - (B) Requiring, requesting, or coercing employees or potential employees to provide access to the



employee's or potential employee's personal account in the presence of the employer; and

- (C) Coercing or compelling employees or potential employees to add anyone, including the employer, to the employee's or potential employee's list of contacts associated with a personal account;
- (2) Limit the liability of employers who inadvertently receive the username, password, or any other information that would enable the employer to gain access to the employee or potential employee's personal account through the use of a lawful technology that monitors the employer's network or employer-provided devices for network security or data confidentiality, except in certain situations; and
- (3) Establish a fine of not less than \$25 and not more than \$100, to be collected by the Director of Labor and Industrial Relations for a violation by the employer.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that employers may request or require an employee to share content regarding a personal account necessary to ensure compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct; and
- (2) Removing the provision that an employer is not liable for deleting information received inadvertently.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1739, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1739, H.D. 2, S.D. 1, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE


GILBERT S.C. KEITH-AGARAN,
Chair


MARK M. NAKASHIMA, Co-Chair


KARL RHOADS, Co-Chair



Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: HB 1739, HD 2, SD 1	Date/Time: 4/28/16 4:42p.m.
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The recommendation of the House and Senate managers is to pass with amendments (CD).

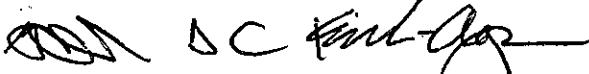

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
KEITH-AGARAN, Gilbert S.C., Chr.	X				NAKASHIMA, Mark M., Co-Chr.	X			
KIM, Donna Mercado	X				RHOADS, Karl, Co-Chr.	X			
SHIMABUKURO, Maile S.L.				X	LOPRESTI, Matthew S.	X			
					TUPOLA, Andria P.L.				X
TOTAL	2	0	0	1	TOTAL	3	0	0	1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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