STAND. COM. REP. NO. 1296 -06

Honolulu, Hawaii

Merch 30, 2006

RE:

S.B. No. 2293

S.D. 2

H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and Judiciary, to which was referred S.B. No. 2293, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBER PROTECTION,"

beg leave to report as follows:

The purpose of this bill is to protect social security numbers (SSNs) from theft and misuse, by prohibiting businesses and state and county agencies from disclosing an individual's SSN to the general public, providing limited exceptions, and establishing penalties for noncompliance.

The Department of Commerce and Consumer Affairs, AARP Hawaii, Hawaii Bankers Association, Hawaii Financial Services Association, and Hawaii Government Employees Association supported this bill. The Consumer Data Industry Association and Property Casualty Insurers Association of America supported the intent of the bill and requested amendments. The American Council of Life Insurers opposed the bill.

Your Committees have amended this bill by replacing its substance with that of H.B. No. 2330, H.D. 1, which was reported out of your Committee earlier this session. As amended, this bill differs from the S.D. 2 in that it:

- (1) Regulates state, but not county agencies;
- (2) Does not contain an exemption for:
  - (A) SSNs on mailed materials that are employer-toemployee communications; and
  - (B) SSNs used to administer a claim, benefit, or procedure relating to an individual's employment;
- (3) Specifically restricts to documents that are mailed, exemptions for SSNs:
  - (A) In documents specifically requested by an individual;
  - (B) Required as part of an application or enrollment process;
  - (C) Used to establish, amend, or terminate an account, contract, or policy; or
  - (D) Used for confirmation when obtaining a credit report;
- (4) Provides exemptions for SSNs:
  - (A) Used as required by state or federal law;
  - (B) Shared by business affiliates;
  - (C) Used for internal verification or administrative purposes; and
  - (D) On recorded documents or those required by law to be open to the public;
- (5) Does not contain a provision stating that a party injured by violation of the chapter may sue for actual damages or damages not less than \$500, whichever is greater;
- (6) Takes effect on July 1, 2096 rather than July 1, 2050; and

(7) Contains technical, nonsubstantive differences.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2293, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2293, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

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

SYLVIA LUKE, Chair

ROBERT N. HERKES, Chair

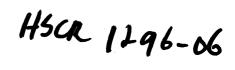
HSLR 1296-06

## State of Hawaii House of Representatives The Twenty-third Legislature

## **Record of Votes of the Committee on Consumer Protection & Commerce**

Bill/Resolution No.: 573 2293 (7) 2 Date: 3//6/06							
Committee Referral:  CPC / (/V)  The committee is reconsidering its previous decision on the measure.							
The recommendation is to:  Pass, unamended Pass, with amendments							
☐ Hold ☐ Recommit							
CPC Members	Ayes	Ayes (WR)	Nays	Excused			
1. HERKES, Robert N. (C)	V						
2. SCHATZ, Brian (VC)	1/						
3. CALDWELL, Kirk	V						
4. ITO, Ken				V			
5. KANOHO, Ezra R.				<b>/</b>			
6. KARAMATSU, Jon Riki				Marc			
7. MORITA, Hermina M.				<i>'</i>			
8. SONSON, Alex M.	1						
9. SOUKI, Joseph M.	<b>/</b>						
10. MARUMOTO, Barbara C.	<b>-</b>						
11. STONEBRAKER, Bud	W						
			·				
TOTAL				5			
The recommendation is: Adopted							
☐ Not Adopted							
If joint referral, did not support recommendation.							
committee acronym(s)							
Vice Chair's or designee's signature:							
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office							

## State of Hawaii House of Representatives The Twenty-third Legislature



## **Record of Votes of the Committee on Judiciary**

Bill/Resolution No.:	Date:	21				
SB2293 SD2 (SSCR2693)	3/16/06					
Committee Referral: CPC/JUD	☐ The committee is reconsidering its previous decision on the measure.					
The recommendation is to:  Pass, unamended	Pas Pas	s, with amendment	S			
☐ Hold ☐ Recommit						
JUD Members	Ayes	Ayes (WR)	Nays	Excused		
1. LUKE, Sylvia (C)						
2. OSHIRO, Blake K. (VC)	/					
3. CALDWELL, Kirk						
4. KANOHO, Ezra R.				<u> </u>		
5. KARAMATSU, Jon Riki						
6. MORITA, Hermina M.				<u> </u>		
7. SONSON, Alex M.						
8. SOUKI, Joseph M.						
9. MARUMOTO, Barbara C.						
10. THIELEN, Cynthia						
TOTAL	7			3		
The recommendation is:						
☐ Not Adopted						
If joint referral,			rt recommendation			
con	nmittee acronym(	s)		·		
Vice Chair's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – HMSO Duplicate (Pink) – Clerk's Office						