STAND. COM. REP. NO. 1508

Honolulu, Hawaii

MAR 2 2 2019

RE: H.B. No. 6

H.D. 3 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirtieth State Legislature Regular Session of 2019 State of Hawaii

Sir:

Your Committees on Labor, Culture and the Arts and Higher Education, to which was referred H.B. No. 6, H.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM EMPLOYEE AND STUDENT ONLINE PRIVACY PROTECTION ACT,"

beg leave to report as follows:

The purpose and intent of this measure is to establish the Uniform Employee and Student Online Privacy Protection Act that adopts uniform laws on protecting the online accounts of employees, prospective employees, unpaid interns, applicants, students, and prospective students from employers and educational institutions.

Your Committees received testimony in support of this measure from the Department of Education, Hawai'i Civil Rights Commission, Commission to Promote Uniform Legislature, and University of Hawai'i System. Your Committees received comments on this measure from the American Civil Liberties Union of Hawaii.

Your Committees find that privacy is a growing concern as social media use rises and employers increasingly ask current and prospective employees to grant the employer access to social media accounts. Likewise, many educational institutions seek to examine the social media presence of current and prospective students.

Your Committees further find that in recent years there have been a number of reported incidents in which employers and schools have demanded, and received, such access because of their higher bargaining power. Access to those who have leverage over education and livelihood inevitable leads to discrimination, selfcensorship, and the chilling of free expression. This measure precludes employers and public and private educational institutes from demanding access to current and prospective employees and current and prospective students' online accounts with exceptions, which will protect students and employees from unwarranted invasions of privacy.

Your Committees note that some testifiers had differing opinions about language to be included in this measure. Committees request that those testifiers continue to discuss their differences and attempt to come to consensus as this measure continues through the legislative process.

Your Committees have amended this measure by 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 Labor, Culture and the Arts and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 6, H.D. 3, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 6, H.D. 3, S.D. 1, and be referred to your Committee on Judiciary.

> Respectfully submitted on behalf of the members of the Committees on Labor, Culture and the Arts and Higher Education,

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The Senate Thirtieth Legislature State of Hawai'i

Record of Votes Committee on Labor, Culture and the Arts LCA

Bill / Resolution No.:* HB6, HD3	Committee Referral: Date: 3-19-19							
The Committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
TANIGUCHI, Brian T. (C)								
IHARA, Jr., Les (VC)		V_						
CHANG, Stanley		V						
GABBARD, Mike					V			
FEVELLA, Kurt					V			
•								
TOTAL		3	0	0	2			
Recommendation: Adopted Not Adopted								
Chair's or Designee's Signature:								
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy								

*Only one measure per Record of Votes

The Senate Thirtieth Legislature State of Hawai'i

Record of Votes Committee on Higher Education HRE

Bill / Resolution No.:* HB 6, HD 3	Committee Referral: LCA/HRE, SDC 3/19/19								
The Committee is reconsidering its previous decision on this measure.									
If so, then the previous decision was to:									
The Recommendation is:									
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313									
Members		Aye	Aye (WR)	Nay	Excused				
KIM, Donna Mercado (C)									
KIDANI, Michelle N. (VC)									
KAHELE, Kaiali'i									
KEITH-AGARAN, Gilbert S.C.									
FEVELLA, Kurt									
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TOTAL		3			2				
Recommendation: Adopted Not Adopted									
Chair's or Designee's Signature: Nuhlle A. Sudani									
Distribution: Original File with Committee Re	Yellow Pink Goldenrod port Clerk's Office Drafting Agency Committee File Copy								

*Only one measure per Record of Votes