

A Bill for an Act Relating to Business Practices.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 227D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§227D- Confidentiality of business trade secrets and other proprietary information of a tenant or prospective tenant of the authority. (a) Notwithstanding chapter 92F or any other law to the contrary, any government record made or received by any member or employee of the authority shall be subject to segregation, and information contained therein shall not be subject to public disclosure, inspection, or duplication to the extent that the information:

- (1) Consists of business trade secrets of a tenant or prospective tenant of the authority;
- (2) Consists of confidential or proprietary commercial or financial information regarding the operation of any business of a tenant or prospective tenant of the authority; or
- (3) Relates to the competitive position in a particular business or field of endeavor of a tenant or prospective tenant of the authority.

Information described in paragraphs (1), (2), and (3) that is contained in a business plan attached to a lease of state land shall be subject to segregation as required by this section. This section, however, shall not apply to leases of state land themselves and other information required to be public by section 92F-12(a)(5).

(b) Notwithstanding chapter 92 or any other law to the contrary, any discussion or consideration by the board or any committee of the board of the type of non-disclosable information described in subsection (a) may be held in an executive meeting closed to the public.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect upon its approval.

(Approved April 28, 2004.)

Note

1. Edited pursuant to HRS §23G-16.5.