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of either spouse during the marriage. This seems consonant with the concept that upon marriage, the spouses voluntarily unite to form a family unit and hence wealth accumulated during the marriage is rightly shared equally between the spouses. The bill also recognizes that gifts and inheritances that might accrue to one party during the marriage should be treated differently, if the party receiving the same elects to keep it in that party's separate name, because such gifts and inheritances do not accrue because of the union, but are independent of it.

The bill recognizes that guidelines should not be inflexible for they cannot address every conceivable circumstance of the parties. The bill therefore provides that the court shall divide and distribute the property in accordance with the guidelines to the extent that the court determines that the division and distribution which results is just and equitable, in light of all of the circumstances.

Technical, nonsubstantive amendments have been made for the purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2116, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2116, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Bunda, Cachola, Hirono, Oshiro and Takamine.

SCRep. 517 Judiciary on H.B. No. 1594

The purpose of this bill is to clarify the circumstances under which an agency may disclose, to another government agency, government records that are protected from public disclosure; to clarify that criminal history record information is not exempt from access by the individual to whom it pertains; and to clarify that the exceptions set forth in section 92F-13, Hawaii Revised Statutes, apply only to requests under part II of chapter 92F, and that the exemptions set forth in section 92F-22, apply only to requests under part III of chapter 92F.

Testimony in support of the bill was received by your Committee from representatives of the Office of Information Practices and the Department of Personnel of the City and County of Honolulu.

Your Committee finds that under current law, section 92F-19(a)(3) permits disclosure of a wide range of inter-agency confidential information in those situations in which the disclosure is not in fact proper for the performance of the requesting agency's duties, is completely incompatible with the original purposes for which the information was collected, or is completely inconsistent with the conditions or reasonable expectations of use under which the individual provided the information to an agency. The bill, therefore, requires, as one of the several specified conditions authorizing inter-agency disclosure, that the disclosure be (1) reasonably proper for the performance of the requesting agency's duties and functions; and also (2) either (a) compatible with the purpose for which the information was collected or (b) consistent with the conditions or reasonable expectations of use under which the information was provided.

Further, the bill appropriately adds a provision to the current law authorizing an agency to disclose information to other agencies, other states, or the federal government for purposes of a civil or criminal law enforcement activity authorized by law when disclosure is pursuant to an agreement or a written request. The bill further authorizes, under appropriate restrictions and under certain circumstances, the disclosure of otherwise confidential information to a foreign government pursuant to an executive agreement, compact, treaty, or statute, and to the various county councils, or any committee or subcommittee thereof which has a legitimate need for the information.

Your Committee also finds that chapter 92F does not require an agency to disclose criminal history record information to the individual to whom it pertains. This appears to be in conflict with section 846-13, Hawaii Revised Statutes, which does permit an individual to review the individual's criminal history record information. Your Committee finds that the conflict should be eliminated so that individuals be permitted to review criminal history record information that pertains to them for the purpose of determining its accuracy and completeness.

Finally, your Committee finds that certain references to "this chapter" in the current law were apparently drafting errors which have led to needless confusion. Your Committee supports the change of language proposed in this bill to "this part" rather than "this chapter."

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1594 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Bunda and Hirono.

SCRep. 518 Judiciary on H.B. No. 948

The purpose of this bill is to delete the requirement that all statements filed by lobbyists with the State Ethics Commission are to be open to public inspection.

For housekeeping purposes, this measure amends Section 97-4(2), Hawaii Revised Statutes (HRS), by deleting its reference to Section 92-51, HRS, which, in sum, mandates that all public records are available for inspection. Section 92-51, HRS, however, was repealed in 1988. The deletion of this reference in no way affects the status of lobbying registration and expenditures statements as public records. Under this measure, these statements would continue to be public records and would remain open to public inspection.