

STAND. COM. REP. NO. 1066

Honolulu, Hawaii

March 20, 2009

RE: S.B. No. 667  
S.D. 2  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred S.B. No. 667, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO WHISTLEBLOWERS' PROTECTION,"

begs leave to report as follows:

The purpose of this bill is to provide additional employment protections to public employees who report, or are about to report, either on their own behalf or through an individual acting on behalf of the public employee:

- (1) Any violation of a federal, state, or local law, rule, ordinance, or regulation;
- (2) Any specified action by a public employer or a public employee that is undertaken in the performance of official duties, that is a fraudulent activity, a gross waste of funds, gross misconduct, abuse of authority, or violation of a well-established, articulated, clear, and compelling public policy; or
- (3) Any condition that may significantly threaten the health or safety of the public or the public employee, provided that the disclosure is made for the purpose of remedying the condition.



The Department of Labor and Industrial Relations, Department of Human Resources Development, Department of the Attorney General, Hawaii Council of Mayors, and Department of Human Resources of the County of Hawaii testified in opposition to this bill.

The Whistleblowers' Protection Act was enacted to protect employees who report violations of federal, state, and local laws, regulations, or any other illegal activity performed by an employer. This bill would afford additional protections for a broader range of complaints and violations reported by public employees.

Although no testimony was received in support of this measure, your Committee finds that greater protections for public employees who report improper actions deserve further consideration.

Your Committee has amended this bill by:

- (1) Removing language specifying that the reporting of any action by a public employer or a public employee that is undertaken in the performance of official duties, that is a fraudulent activity, a gross waste of funds, gross misconduct, abuse of authority, or violation of a well-established, articulated, clear, and compelling public policy, is covered under the Whistleblowers' Protection Act; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 667, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 667, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.



Respectfully submitted on  
behalf of the members of the  
Committee on Labor & Public  
Employment,

*Karl Rhoads*

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KARL RHOADS, Chair



State of Hawaii  
House of Representatives  
The Twenty-fifth Legislature

HSCR1066

**Record of Votes of the Committee on Labor & Public Employment**

<b>Bill/Resolution No.:</b> SD 667, SD 2	<b>Committee Referral:</b> LAB, JUD, FIN	<b>Date:</b> 3-17-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	✓			
2. YAMASHITA, Kyle T. (VC)	✓			
3. AQUINO, Henry J.C.				✓
4. AWANA, Karen Leinani	✓			
5. HANOHANO, Faye P.		✓		
6. KEITH-AGARAN, Gilbert S.C.	✓			
7. LEE, Marilyn B.	✓			
8. NAKASHIMA, Mark M.	✓			
9. SAIKI, Scott K.				✓
10. SOUKI, Joseph M.		✓		
11. TAKUMI, Roy M.	✓			
12. PINE, Kymberly Marcos				✓
<b>TOTAL (12)</b>	7	2	-	3
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b> _____ 				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				