

Honolulu, Hawaii

MAR 06 2009

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

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 667, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to prohibit a public employer from discharging, threatening, or otherwise discriminating against a public employee regarding the public employee's compensation, terms, conditions, location, or privileges of employment because the public employee, or a person acting on behalf of the public employee, reports or is about to report to the public employer or a public body, verbally or in writing:

- (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 relates to performance of official duties, is economically wasteful, or involves gross misconduct, incompetence, or inefficiency; 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.



Your Committee finds that public employees should feel protected from employers' retaliation if they report government waste, gross misconduct, incompetence, or inefficiency.

Your Committee has amended this measure by:

- (1) Clarifying that the public employee may report fraudulent activity, a gross waste of funds, gross misconduct, abuse of authority, or violation of a well-established, articulated, clear, and compelling public policy; and
- (2) Deleting the section of the measure relating to the Ombudsman.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 667, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 667, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,



BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:* SB667, SD1	Committee Referral: LBR, JGO	Date: 2/27/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.				✓
SLOM, Sam		✓		
TOTAL	3	1	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> Distribution: Original File with Committee Report </div> <div style="text-align: center;"> Yellow Clerk's Office </div> <div style="text-align: center;"> Pink Drafting Agency </div> <div style="text-align: center;"> Goldenrod Committee File Copy </div> </div>				

*Only one measure per Record of Votes