

Honolulu, Hawaii

March 23, 2007

RE: S.B. No. 1926
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred S.B. No. 1926, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to strengthen the Whistleblowers' Protection Act by:

- (1) Providing additional protections to public employees who report or are about to report to a public employer or public body:
 - (A) Law violations;
 - (B) Actions by a public employer or public employee that are economically wasteful or involved gross misconduct, incompetence, or inefficiency; and
 - (C) Conditions that may significantly threaten the health or safety of the public or of the public employee;
- (2) Allowing a public employee to bring a civil action for punitive damages for retaliations;



- (3) Giving enforcement jurisdiction over whistleblower protection to the Department of Labor and Industrial Relations (DLIR); and
- (4) Giving enforcement jurisdiction over whistleblower protection to the Department of the Attorney General (AG) if DLIR is the public employer against which a complaint is made.

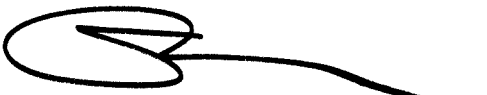
The Hawaii Government Employees Association, ILWU Local 142, Hawaii State Teachers Association, The League of Women Voters of Hawaii, and an individual testified in support of this bill. The AG testified in opposition to this measure. DLIR submitted comments on this bill.

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. Your Committee finds that this measure could result in more efficient and ethical government operations since employees are more apt to come forward and report problems if they are protected for doing so.

While your Committee understands the concerns raised by the AG, the importance of this matter warrants further consideration. Accordingly, your Committee has amended this bill by changing its effective date to July 1, 2112, to encourage further discussion.

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. 1926, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1926, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

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


ALEX M. SONSON, Chair



