

STAND. COM. REP. NO.

583

Honolulu, Hawaii

Feb 18, 2011

RE: H.B. No. 467

H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 467 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 protection to public employees who report violations of the law and other improper activities. Specifically, this bill:

- (1) Prohibits an employer from taking certain threatening or discriminatory actions against an employee; and
- (2) Allows an employee to bring a civil action for punitive damages against an individual alleged to be in violation of these provisions.

The Hawaii Government Employees Association and a concerned individual testified in support of this bill. The Department of the Attorney General, Department of Human Resources Development, and the City and County of Honolulu opposed this measure.

Your Committee has amended this bill by:

- (1) Eliminating the provisions authorizing punitive damages;
- (2) Adding violations or suspected violations of contracts entered into by the State, a political subdivision of

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the State, or the United States to those items for which a public employee may not be discharged or discriminated against for reporting;

- (3) Including any employee of any general contractor or subcontractor executing of public contract in the definition of "public employee" and any general contractor or subcontractor executing of public contract in the definition of "public employer";
- (4) Excluding employees who knowingly make a false report from the bill's protection;
- (5) Changing the effective date to January 7, 2059, to encourage further discussion; and
- (6) Making technical, nonsubstantive changes for clarity, consistency and style.

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. 467, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 467, H.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
GILBERT KEITH-AGARAN, Chair



