

---

---

# A BILL FOR AN ACT

RELATING TO GOVERNMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 PART I

2 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended  
3 by adding two new sections to part X to be appropriately  
4 designated and to read as follows:

5 "§46- Relief from retaliatory actions. (a)

6 Notwithstanding any law to the contrary, any employee,  
7 contractor, or agent shall be entitled to all relief necessary  
8 to make that employee, contractor, or agent whole, if that  
9 employee, contractor, or agent is discharged, demoted,  
10 suspended, threatened, harassed, or in any other manner  
11 discriminated against in the terms and conditions of employment,  
12 contract, or agency relationship because of lawful acts done by  
13 the employee, contractor, agent or associated others in  
14 furtherance of an action under section 46-175 or other efforts  
15 to stop or address any conduct described in section 46-171(a).

16 (b) Relief under subsection (a) shall include  
17 reinstatement with the same seniority status that the employee,

1 contractor, or agent would have had but for the discrimination,  
2 two times the amount of back pay, interest on the back pay, and  
3 compensation for any special damages sustained as a result of  
4 the discrimination, including litigation costs and reasonable  
5 attorney's fees. An action for relief from retaliatory actions  
6 under subsection (a) may be brought in the appropriate court of  
7 this State for the relief provided in this part.

8 (c) An action for relief from retaliatory actions under  
9 subsection (a) shall be brought within three years of the  
10 retaliatory conduct upon which the action is based.

11 §46- Certain actions barred. (a) In no event may a  
12 person bring an action under this part that is based upon  
13 allegations or transactions which are the subject of a civil  
14 suit or an administrative civil money penalty proceeding in  
15 which a county is already a party.

16 (b) The court shall dismiss an action or claim under this  
17 part, unless opposed by a county, if the allegations or  
18 transactions alleged in the action or claim are substantially  
19 the same as those publicly disclosed:

20 (1) In a criminal, civil, or administrative hearing in  
21 which a county or its agent is a party;

1       (2) In a county council or other county report, hearing,  
2               audit, or investigation; or

3       (3) By the news media,  
4 unless the action is brought by the county attorney or the  
5 person bringing the action is an original source of the  
6 information.

7       (c) For purposes of this section, "original source" means  
8 an individual who:

9       (1) Prior to public disclosure under subsection (b), has  
10               voluntarily disclosed to a county the information on  
11               which the allegations or transactions in a claim are  
12               based; or

13       (2) Has knowledge that is independent of and materially  
14               adds to the publicly disclosed allegations or  
15               transactions, and who has voluntarily provided the  
16               information to a county before filing an action under  
17               this part."

18       SECTION 2. Section 46-171, Hawaii Revised Statutes, is  
19 amended as follows:

20       1. By amending subsection (a) to read:

21       "(a) Any person who:

- 1 (1) Knowingly presents, or causes to be presented, [~~to an~~  
2 ~~officer or employee of a county~~] a false or fraudulent  
3 claim for payment or approval;
- 4 (2) Knowingly makes, uses, or causes to be made or used, a  
5 false record or statement [~~to get a false or~~  
6 ~~fraudulent claim paid or approved by a county;~~]  
7 material to a false or fraudulent claim;
- 8 [~~(3) Conspires to defraud a county by getting a false or~~  
9 ~~fraudulent claim allowed or paid;~~
- 10 ~~(4)]~~ (3) Has possession, custody, or control of property  
11 or money used, or to be used, by a county and,  
12 intending to defraud a county or [~~wilfully~~] to  
13 wilfully conceal the property, delivers, or causes to  
14 be delivered, less property than the amount for which  
15 the person receives a certificate or receipt;
- 16 [~~(5)]~~ (4) Is authorized to make or deliver a document  
17 certifying receipt of property used, or to be used by  
18 a county and, intending to defraud a county, makes or  
19 delivers the receipt without completely knowing that  
20 the information on the receipt is true;
- 21 [~~(6)]~~ (5) Buys, or receives as a pledge of an obligation or  
22 debt, public property from any officer or employee of

1 a county that the person knows [~~may~~] is not lawfully  
2 authorized to sell or pledge the property;

3 [~~(7)~~] (6) Knowingly makes, uses, or causes to be made or  
4 used, a false record or statement [~~to conceal, avoid,~~  
5 ~~or decrease~~] material to an obligation to pay or  
6 transmit money or property to a county, or knowingly  
7 conceals, or knowingly and improperly avoids or  
8 decreases an obligation to pay or transmit money or  
9 property to a county; [~~or~~

10 [~~(8)~~] (7) Is a beneficiary of an inadvertent submission of  
11 a false claim to a county, who subsequently discovers  
12 the falsity of the claim, and fails to disclose the  
13 false claim to the county within a reasonable time  
14 after discovery of the false claim; or

15 (8) Conspires to commit any of the conduct described in  
16 this subsection,

17 shall be liable to the county for a civil penalty of not less  
18 than [~~\$5,000~~] \$5,500 and not more than [~~\$10,000,~~] \$11,000, plus  
19 three times the amount of damages that the county sustains due  
20 to the act of that person."

21 2. By amending subsection (e) to read:

22 "(e) For purposes of this section:

1 "Claim" [~~includes~~] means any request or demand, whether  
2 under a contract or otherwise, for money or property and whether  
3 or not a county has title to the money or property, that is  
4 presented to an officer, employee, or agent of the county made  
5 to a contractor, grantee, or other recipient, if the money or  
6 property is to be spent or used on the county's behalf or to  
7 advance a county program or interest, and if the county provides  
8 or has provided any portion of the money or property that is  
9 requested or demanded[~~, or if the government~~] or will reimburse  
10 the contractor, grantee, or other recipient for any portion of  
11 the money or property that is requested or demanded. "Claim"  
12 does not include requests or demands for money or property that  
13 a county has paid to an individual as compensation for  
14 employment or as an income subsidy with no restrictions on that  
15 individual's use of the money or property.

16 "Knowing" and "knowingly" means that a person, with respect  
17 to information:

- 18 (1) Has actual knowledge of the information;  
19 (2) Acts in deliberate ignorance of the truth or falsity  
20 of the information; or

1 (3) Acts in reckless disregard of the truth or falsity of  
2 the information; and no proof of specific intent to  
3 defraud is required.

4 "Material" means having the tendency to influence or  
5 capability to influence the payment or receipt of money or  
6 property.

7 "Obligation" means an established duty, whether or not  
8 fixed, arising from an express or implied contractual, grantor-  
9 grantee, or licensor-licensee relationship, from a fee-based or  
10 similar relationship, from statute, regulation, or  
11 administrative rule, or from the retention of any overpayment."

12 SECTION 3. Section 46-177, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "[~~§~~46-177~~]~~ **Awards to qui tam plaintiffs.** (a) If a  
15 county proceeds with an action brought by a person under section  
16 46-175, the person shall receive at least fifteen per cent but  
17 not more than twenty-five per cent of the proceeds of the action  
18 or settlement of the claim, depending upon the extent to which  
19 the person substantially contributed to the prosecution of the  
20 action. Where the action is one that the court finds to be  
21 based primarily on disclosures of specific information, other  
22 than information provided by the person bringing the action,

1 relating to allegations or transactions in a criminal, civil, or  
2 administrative hearing, in a legislative or administrative  
3 report, hearing, audit, or investigation, or from the news  
4 media, the court may award sums as it considers appropriate, but  
5 in no case more than ten per cent of the proceeds, taking into  
6 account the significance of the information and the role of the  
7 person bringing the action in advancing the case to litigation.  
8 Any payment to a person under this subsection shall be made from  
9 the proceeds. The person shall also receive an amount for  
10 reasonable expenses that the court finds to have been  
11 necessarily incurred, plus reasonable attorneys' fees and costs.  
12 All expenses, fees, and costs shall be awarded against the  
13 defendant.

14 (b) If a county proceeds with an action brought under  
15 section 46-171, the county may file its own complaint or amend  
16 the complaint of a person who has brought an action under  
17 section 46-171 to clarify or add detail to the claims in which  
18 the county is intervening and to add any additional claims with  
19 respect to which the county contends it is entitled to relief.  
20 For statute of limitations purposes, any such pleading shall  
21 relate back to the filing date of the complaint of the person  
22 who originally brought the action, to the extent that the claim

1 of the county arises out of the conduct, transactions, or  
2 occurrences set forth, or attempted to be set forth, in the  
3 prior complaint of that person.

4       ~~[(b)]~~ (c) If the county does not proceed with an action  
5 under this section, the person bringing the action or settling  
6 the claim shall receive an amount that the court decides is  
7 reasonable for collecting the civil penalty and damages. The  
8 amount shall be not less than twenty-five per cent and not more  
9 than thirty per cent of the proceeds of the action or settlement  
10 and shall be paid out of the proceeds. The person shall also  
11 receive an amount for reasonable expenses that the court finds  
12 to have been necessarily incurred, plus reasonable attorneys'  
13 fees and costs. All expenses, fees, and costs shall be awarded  
14 against the defendant.

15       ~~[(e)]~~ (d) Regardless of whether the county proceeds with  
16 the action, if the court finds that the action was brought by a  
17 person who planned and initiated the violation of section 46-171  
18 upon which the action was brought, then the court, to the extent  
19 the court considers appropriate, may reduce the share of the  
20 proceeds of the action that the person would otherwise receive  
21 under subsection (a), taking into account the role of that  
22 person in advancing the case to litigation and any relevant

1 circumstances pertaining to the violation. If the person  
2 bringing the action is convicted of criminal conduct arising  
3 from the person's role in the violation of section 46-171, that  
4 person shall be dismissed from the civil action and shall not  
5 receive any share of the proceeds of the action. The dismissal  
6 shall not prejudice the right of the county to continue the  
7 action.

8 ~~[(d)]~~ (e) If the county does not proceed with the action  
9 and the person bringing the action conducts the action, the  
10 court may award to the defendant its reasonable attorneys' fees  
11 and expenses if the defendant prevails in the action and the  
12 court finds that the claim of the person bringing the action was  
13 frivolous, vexatious, or brought primarily for purposes of  
14 harassment.

15 ~~[(e)]~~ (f) In no event may a person bring an action under  
16 section 46-175:

17 (1) Against any elected official of the county, if the  
18 action is based on evidence or information known to  
19 the county. For purposes of this section, evidence or  
20 information known only to the person or persons  
21 against whom an action is brought shall not be  
22 considered to be known to the county;

1       ~~[(2) When the person is a present or former employee of the~~  
2           ~~county and the action is based upon information~~  
3           ~~discovered by the employee during the course of the~~  
4           ~~employee's employment, unless the employee first, in~~  
5           ~~good faith, exhausted any existing internal procedures~~  
6           ~~for reporting and seeking recovery of the falsely~~  
7           ~~claimed sums through official channels and the county~~  
8           ~~failed to act on the information provided within a~~  
9           ~~reasonable period of time;]~~ or

10       ~~[(3)]~~ (2) That is based upon allegations or transactions  
11           that are the subject of a ~~[civil or criminal~~  
12           ~~investigation by the county,~~] civil suit~~[,~~] or an  
13           administrative civil money penalty proceeding in which  
14           the county is already a party."

15       SECTION 4. Section 46-178, Hawaii Revised Statutes, is  
16       repealed.

17       ~~["**[§46-178] Jurisdiction.** (a) No court shall have~~  
18       ~~jurisdiction over an action under this part based upon the~~  
19       ~~public disclosure of allegations or transactions in a criminal,~~  
20       ~~civil, or administrative hearing, in a legislative or~~  
21       ~~administrative report, hearing, audit, or investigation, or from~~  
22       ~~the news media, unless the action is brought by a county~~

1 ~~corporation counsel or county attorney or the person bringing~~  
2 ~~the action is an original source of the information.~~

3 ~~(b) For purposes of this section:~~

4 ~~"Original source" means an individual who has direct and~~  
5 ~~independent knowledge of the information on which the~~  
6 ~~allegations are based and has voluntarily provided the~~  
7 ~~information to the county before filing an action under this~~  
8 ~~part that is based on the information, and whose information~~  
9 ~~provided the basis or catalyst for the investigation, hearing,~~  
10 ~~audit, or report that led to the public disclosure."]~~

11 PART II

12 SECTION 5. Chapter 661, Hawaii Revised Statutes, is  
13 amended by adding two new sections to part II to be  
14 appropriately designated and to read as follows:

15 **"§661- Relief from retaliatory actions. (a)**  
16 Notwithstanding any law to the contrary, any employee,  
17 contractor, or agent shall be entitled to all relief necessary  
18 to make that employee, contractor, or agent whole, if that  
19 employee, contractor, or agent is discharged, demoted,  
20 suspended, threatened, harassed, or in any other manner  
21 discriminated against in the terms and conditions of employment,  
22 contract, or agency relationship because of lawful acts done by

1 the employee, contractor, agent or associated others in  
2 furtherance of an action under section 661-25 or other efforts  
3 to stop or address any conduct described in section 661-21(a).

4 (b) Relief under subsection (a) shall include  
5 reinstatement with the same seniority status that the employee,  
6 contractor, or agent would have had but for the discrimination,  
7 two times the amount of back pay, interest on the back pay, and  
8 compensation for any special damages sustained as a result of  
9 the discrimination, including litigation costs and reasonable  
10 attorney's fees. An action for relief from retaliatory actions  
11 under subsection (a) may be brought in the appropriate court of  
12 this State for the relief provided in this part.

13 (c) An action for relief from retaliatory actions under  
14 subsection (a) shall be brought within three years of the  
15 retaliatory conduct upon which the action is based.

16 **§661- Certain actions barred.** (a) In no event may a  
17 person bring an action under this part that is based upon  
18 allegations or transactions which are the subject of a civil  
19 suit or an administrative civil money penalty proceeding in  
20 which the State is already a party.

21 (b) The court shall dismiss an action or claim under this  
22 part, unless opposed by the State, if the allegations or

1 transactions alleged in the action or claim are substantially  
2 the same as those publicly disclosed:

3 (1) In a State criminal, civil, or administrative hearing  
4 in which the State or its agent is a party;

5 (2) In a State legislative or other State report, hearing,  
6 audit, or investigation; or

7 (3) By the news media,

8 unless the action is brought by the attorney general or the  
9 person bringing the action is an original source of the  
10 information.

11 (c) For purposes of this section, "original source" means  
12 an individual who:

13 (1) Prior to public disclosure under subsection (b), has  
14 voluntarily disclosed to the State the information on  
15 which the allegations or transactions in a claim are  
16 based; or

17 (2) Has knowledge that is independent of and materially  
18 adds to the publicly disclosed allegations or  
19 transactions, and who has voluntarily provided the  
20 information to the State before filing an action under  
21 this part."

1 SECTION 6. Section 661-21, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§661-21 Actions for false claims to the State; qui tam**  
4 **actions.** (a) Notwithstanding section 661-7 to the contrary,  
5 any person who:

6 (1) Knowingly presents, or causes to be presented, [~~to an~~  
7 ~~officer or employee of the State]~~ a false or  
8 fraudulent claim for payment or approval;

9 (2) Knowingly makes, uses, or causes to be made or used, a  
10 false record or statement [~~to get a false or~~  
11 ~~fraudulent claim paid or approved by the State;~~]  
12 material to a false or fraudulent claim;

13 [~~(3) Conspires to defraud the State by getting a false or~~  
14 ~~fraudulent claim allowed or paid;~~

15 ~~(4)]~~ (3) Has possession, custody, or control of property  
16 or money used, or to be used, by the State and,  
17 intending to defraud the State or [~~wilfully]~~ to  
18 wilfully conceal the property, delivers, or causes to  
19 be delivered, less property than the amount for which  
20 the person receives a certificate or receipt;

21 [~~(5)]~~ (4) Is authorized to make or deliver a document  
22 certifying receipt of property used, or to be used by

1 the State and, intending to defraud the State, makes  
2 or delivers the receipt without completely knowing  
3 that the information on the receipt is true;

4 ~~[(6)]~~ (5) Knowingly buys, or receives as a pledge of an  
5 obligation or debt, public property from any officer  
6 or employee of the State who ~~[may]~~ is not lawfully  
7 authorized to sell or pledge the property;

8 ~~[(7)]~~ (6) Knowingly makes, uses, or causes to be made or  
9 used, a false record or statement ~~[to conceal, avoid,~~  
10 ~~or decrease]~~ material to an obligation to pay or  
11 transmit money or property to the State, or knowingly  
12 conceals, or knowingly and improperly avoids or  
13 decreases an obligation to pay or transmit money or  
14 property to the State; ~~[or~~

15 ~~-(8)]~~ (7) Is a beneficiary of an inadvertent submission of  
16 a false claim to the State, who subsequently discovers  
17 the falsity of the claim, and fails to disclose the  
18 false claim to the State within a reasonable time  
19 after discovery of the false claim; or

20 (8) Conspires to commit any of the conduct described in  
21 this subsection,

1 shall be liable to the State for a civil penalty of not less  
2 than [~~\$5,000~~] \$5,500 and not more than [~~\$10,000,~~] \$11,000, plus  
3 three times the amount of damages that the State sustains due to  
4 the act of that person.

5 (b) If the court finds that a person who has violated  
6 subsection (a):

- 7 (1) Furnished officials of the State responsible for  
8 investigating false claims violations with all  
9 information known to the person about the violation  
10 within thirty days after the date on which the  
11 defendant first obtained the information;
- 12 (2) Fully cooperated with any state investigation of such  
13 violation; and
- 14 (3) At the time the person furnished the State with the  
15 information about the violation, no criminal  
16 prosecution, civil action, or administrative action  
17 had commenced under this title with respect to such  
18 violation, and the person did not have actual  
19 knowledge of the existence of an investigation into  
20 such violation;
- 21 the court may assess not less than two times the amount of  
22 damages that the State sustains because of the act of the

1 person. A person violating subsection (a), shall also be liable  
2 to the State for the costs and attorneys' fees of a civil action  
3 brought to recover the penalty or damages.

4 (c) Liability under this section shall be joint and  
5 several for any act committed by two or more persons.

6 (d) This section shall not apply to any controversy  
7 involving an amount of less than \$500 in value. For purposes of  
8 this subsection, "controversy" means the aggregate of any one or  
9 more false claims submitted by the same person in violation of  
10 this part. Proof of specific intent to defraud is not required.

11 (e) For purposes of this section:

12 "Claim" [~~includes~~] means any request or demand, whether  
13 under a contract or otherwise, for money or property and whether  
14 or not the State has title to the money or property, that is  
15 presented to an officer, employee, or agent of the State or is  
16 made to a contractor, grantee, or other recipient, if the money  
17 or property is to be spent or used on the State's behalf or to  
18 advance a state program or interest, and if the State provides  
19 or has provided any portion of the money or property that is  
20 requested or demanded [~~, or if the government~~] or will reimburse  
21 the contractor, grantee, or other recipient for any portion of  
22 the money or property that is requested or demanded. "Claim"

1 does not include requests or demands for money or property that  
2 the State has paid to an individual as compensation for  
3 employment or as an income subsidy with no restrictions on that  
4 individual's use of the money or property.

5 "Knowing" and "knowingly" means that a person, with respect  
6 to information:

7 (1) Has actual knowledge of the information;

8 (2) Acts in deliberate ignorance of the truth or falsity  
9 of the information; or

10 (3) Acts in reckless disregard of the truth or falsity of  
11 the information;

12 and no proof of specific intent to defraud is required.

13 "Material" means having the tendency to influence or  
14 capability to influence the payment or receipt of money or  
15 property.

16 "Obligation" means an established duty, whether or not  
17 fixed, arising from an express or implied contractual, grantor-  
18 grantee, or licensor-licensee relationship, from a fee-based or  
19 similar relationship, from statute, regulation, or  
20 administrative rule, or from the retention of any overpayment.

1       ~~[(f) This section shall not apply to claims, records, or~~  
2 ~~statements for which procedures and remedies are otherwise~~  
3 ~~specifically provided for under chapter 231.]"~~

4       SECTION 7. Section 661-27, Hawaii Revised Statutes, is  
5 amended to read as follows:

6       "~~[f]~~**§661-27**~~[f]~~ **Awards to qui tam plaintiffs.** (a) If the  
7 State proceeds with an action brought by a person under section  
8 661-25, the person shall receive at least fifteen per cent but  
9 not more than twenty-five per cent of the proceeds of the action  
10 or settlement of the claim, depending upon the extent to which  
11 the person substantially contributed to the prosecution of the  
12 action. Where the action is one that the court finds to be  
13 based primarily on disclosures of specific information, other  
14 than information provided by the person bringing the action,  
15 relating to allegations or transactions in a criminal, civil, or  
16 administrative hearing, in a legislative or administrative  
17 report, hearing, audit, or investigation, or from the news  
18 media, the court may award sums as it considers appropriate, but  
19 in no case more than ten per cent of the proceeds, taking into  
20 account the significance of the information and the role of the  
21 person bringing the action in advancing the case to litigation.  
22 Any payment to a person under this subsection shall be made from

1 the proceeds. ~~[+]The[+]~~ person shall also receive an amount for  
2 reasonable expenses that the court finds to have been  
3 necessarily incurred, plus reasonable attorneys' fees and costs.  
4 All expenses, fees, and costs shall be awarded against the  
5 defendant.

6 (b) If the State proceeds with an action brought under  
7 section 661-21, the State may file its own complaint or amend  
8 the complaint of a person who has brought an action under  
9 section 661-21 to clarify or add detail to the claims in which  
10 the State is intervening and to add any additional claims with  
11 respect to which the State contends it is entitled to relief.  
12 For statute of limitations purposes, any such state pleading  
13 shall relate back to the filing date of the complaint of the  
14 person who originally brought the action, to the extent that the  
15 claim of the State arises out of the conduct, transactions, or  
16 occurrences set forth, or attempted to be set forth, in the  
17 prior complaint of that person.

18 ~~[(b)]~~ (c) If the State does not proceed with an action under  
19 this section, the person bringing the action or settling the  
20 claim shall receive an amount that the court decides is  
21 reasonable for collecting the civil penalty and damages. The  
22 amount shall be not less than twenty-five per cent and not more

1 than thirty per cent of the proceeds of the action or settlement  
2 and shall be paid out of the proceeds. The person shall also  
3 receive an amount for reasonable expenses that the court finds  
4 to have been necessarily incurred, plus reasonable attorneys'  
5 fees and costs. All expenses, fees, and costs shall be awarded  
6 against the defendant.

7 ~~[(e)]~~ (d) Whether or not the State proceeds with the action,  
8 if the court finds that the action was brought by a person who  
9 planned and initiated the violation of section 661-21 upon which  
10 the action was brought, then the court may, to the extent the  
11 court considers appropriate, reduce the share of the proceeds of  
12 the action that the person would otherwise receive under  
13 subsection (a), taking into account the role of that person in  
14 advancing the case to litigation and any relevant circumstances  
15 pertaining to the violation. If the person bringing the action  
16 is convicted of criminal conduct arising from the person's role  
17 in the violation of section 661-21, that person shall be  
18 dismissed from the civil action and shall not receive any share  
19 of the proceeds of the action. The dismissal shall not  
20 prejudice the right of the State to continue the action.

21 ~~[(d)]~~ (e) If the State does not proceed with the action and  
22 the person bringing the action conducts the action, the court

1 may award to the defendant its reasonable attorneys' fees and  
2 expenses if the defendant prevails in the action and the court  
3 finds that the claim of the person bringing the action was  
4 frivolous, vexatious, or brought primarily for purposes of  
5 harassment.

6 ~~[(e)]~~ (f) In no event may a person bring an action under  
7 section 661-25:

8 (1) Against a member of the state senate or state house of  
9 representatives, a member of the judiciary, or an  
10 elected official in the executive branch of the State,  
11 if the action is based on evidence or information  
12 known to the State. For purposes of this section,  
13 evidence or information known only to the person or  
14 persons against whom an action is brought shall not be  
15 considered to be known to the State;

16 ~~[(2) When the person is a present or former employee of the~~  
17 ~~State and the action is based upon information~~  
18 ~~discovered by the employee during the course of the~~  
19 ~~employee's employment, unless the employee first, in~~  
20 ~~good faith, exhausted any existing internal procedures~~  
21 ~~for reporting and seeking recovery of the falsely~~  
22 ~~claimed sums through official channels and the State~~

1           ~~failed to act on the information provided within a~~  
2           ~~reasonable period of time;~~] or  
3           [~~(3)~~] (2) That is based upon allegations or transactions  
4           that are the subject of a [~~civil or criminal~~  
5           ~~investigation by the State,~~] civil suit[~~7~~] or an  
6           administrative civil money penalty proceeding in which  
7           the State is already a party."

8           SECTION 8. Section 661-28, Hawaii Revised Statutes, is  
9           repealed.

10           ["~~§661-28~~ ~~Jurisdiction.~~ No court shall have  
11           ~~jurisdiction over an action under this part based upon the~~  
12           ~~public disclosure of allegations or transactions in a criminal,~~  
13           ~~civil, or administrative hearing, in a legislative or~~  
14           ~~administrative report, hearing, audit, or investigation, or from~~  
15           ~~the news media, unless the action is brought by the attorney~~  
16           ~~general or the person bringing the action is an original source~~  
17           ~~of the information. For purposes of this section:~~

18           ~~"Original source" means an individual who has direct and~~  
19           ~~independent knowledge of the information on which the~~  
20           ~~allegations are based and has voluntarily provided the~~  
21           ~~information to the State before filing an action under this part~~  
22           ~~that is based on the information, and whose information provided~~

1 ~~the basis or catalyst for the investigation, hearing, audit, or~~  
2 ~~report that led to the public disclosure." ]~~

3 PART III

4 SECTION 9. This Act does not affect rights and duties that  
5 matured, penalties that were incurred, and proceedings that were  
6 begun, before the effective date of this Act.

7 SECTION 10. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 11. This Act shall take effect upon its approval.

**Report Title:**

False Claims to the State and Counties

**Description:**

Brings laws relating to false claims to the state and to the counties into compliance with the federal False Claims Act in order to meet federal requirements that state laws provide the same or greater protections as those established under section 1909 of the Social Security Act. (HB1181 HD1 PROPOSED)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*