
A BILL FOR AN ACT

RELATING TO A WHISTLEBLOWER HOTLINE.

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

1 SECTION 1. Chapter 96, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§96- Whistleblower hotline. (a) The ombudsman shall
5 establish and manage a hotline by which an employee, or a person
6 acting on behalf of an employee, may contact the office of the
7 ombudsman directly to report a violation or suspected violation
8 of:

9 (1) A law, rule, ordinance, or regulation, adopted
10 pursuant to the laws of this State, a political
11 subdivision of this State, or the United States; or

12 (2) A contract executed by the State, a political
13 subdivision of the State, or the United States.

14 (b) The ombudsman shall publicize the availability of the
15 whistleblower hotline.

16 (c) For purposes of this section, "employee" has the same
17 meaning as in section 378-61."



1 SECTION 2. Section 96-4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§96-4 Procedure.** The ombudsman may establish procedures
4 for receiving and processing complaints~~[7]~~ and whistleblower
5 reports of violations or suspected violations, conducting
6 investigations, [and] reporting the ombudsman's findings~~[7]~~, and
7 other actions deemed necessary to address complaints or
8 whistleblower reports. However, the ombudsman may not levy fees
9 for the submission or investigation of complaints~~[7]~~ or
10 whistleblower reports."

11 SECTION 3. Section 96-5, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§96-5 Jurisdiction.** The ombudsman has jurisdiction to
14 [investigate]:

15 (1) Investigate the administrative acts of agencies and the
16 ombudsman may exercise the ombudsman's powers without
17 regard to the finality of any administrative act~~[7]~~;
18 and

19 (2) Establish and maintain a whistleblower hotline
20 pursuant to section 96-___, and receive and



1 investigate reports of violations or suspected
2 violations from that hotline."

3 SECTION 4. Section 96-6, Hawaii Revised Statutes, is
4 amended by amending its title and subsection (a) to read as
5 follows:

6 "**§96-6 Investigation of complaints[-] and reports.** (a)
7 The ombudsman may investigate any complaint [~~which~~] or
8 whistleblower report of a violation or suspected violation that
9 the ombudsman determines to be an appropriate subject for
10 investigation under section 96-8."

11 SECTION 5. Section 96-8, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§96-8 Appropriate subjects for investigation.** An
14 appropriate subject for investigation is a report received
15 through the whistleblower hotline or an administrative act of an
16 agency which might be:

- 17 (1) Contrary to law;
18 (2) Unreasonable, unfair, oppressive, or unnecessarily
19 discriminatory, even though in accordance with law;
20 (3) Based on a mistake of fact;
21 (4) Based on improper or irrelevant grounds;



(5) Unaccompanied by an adequate statement of reasons;

(6) Performed in an inefficient manner; or

(7) Otherwise erroneous.

The ombudsman may investigate to find an appropriate remedy."

SECTION 6. Section 96-9, Hawaii Revised Statutes, is amended to read as follows:

"§96-9 Investigation procedures. (a) In an investigation, the ombudsman may make inquiries and obtain information as the ombudsman thinks fit, enter without notice to inspect the premises of an agency, and hold private hearings.

(b) The ombudsman is required to maintain secrecy in respect to all matters and the identities of the complainants, whistleblowers, or witnesses coming before the ombudsman except so far as disclosures may be necessary to enable the ombudsman to carry out the ombudsman's duties and to support the ombudsman's recommendations."

SECTION 7. Section 378-61, Hawaii Revised Statutes, is amended by amending the definition of "public body" to read as follows:

"Public body" means:



- 1 (1) A state officer, employee, agency, department,
2 division, bureau, board, commission, committee,
3 council, authority, or other body in the executive
4 branch of state government;
- 5 (2) An agency, board, commission, committee, council,
6 member, ombudsman, or employee of the legislative
7 branch of the state government;
- 8 (3) A county, city, intercounty, intercity, or regional
9 governing body, a council, special district, or
10 municipal corporation, or a board, department,
11 commission, committee, council, agency, or any member
12 or employee thereof;
- 13 (4) Any other body which is created by state or local
14 authority or which is primarily funded by or through
15 state or local authority, or any member or employee of
16 that body;
- 17 (5) A law enforcement agency or any member or employee of
18 a law enforcement agency; or
- 19 (6) The judiciary and any member or employee of the
20 judiciary."



H.B. NO. 2005

1 SECTION 8. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

4

INTRODUCED BY: _____

A handwritten signature in black ink, appearing to be "J. A. ...", written over a horizontal line.

JAN 24 2022



H.B. NO. 2005

Report Title:

Whistleblower Hotline; Office of the Ombudsman

Description:

Requires the ombudsman to establish and manage a hotline by which an employee, or a person acting on behalf of an employee, may contact the office of the ombudsman directly to report a violation or suspected violation of a law, rule, ordinance, or regulation, or a contract executed by the State, a political subdivision of the State, or the United States. Authorizes the ombudsman to receive and investigate reports of violations or suspected violations from the whistleblower hotline.

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

