

AMENDED IN SENATE JULY 10, 2008

AMENDED IN SENATE JUNE 19, 2008

AMENDED IN SENATE JUNE 12, 2008

AMENDED IN ASSEMBLY APRIL 28, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2001

Introduced by Assembly Member Swanson

February 15, 2008

An act to add Section 53087.6 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2001, as amended, Swanson. Local government: whistleblower hotlines.

Existing law requires the State Auditor to maintain a whistleblower hotline to receive calls from persons who have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees.

This bill would authorize a city, county, or city and county auditor or controller to maintain a whistleblower hotline to receive calls from persons who have information regarding possible violations by local government employees of state, federal, or local statutes, rules, or regulations.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 53087.6 is added to the Government Code, to read:

53087.6. (a) (1) A city, county, or city and county auditor or controller *who is elected to office* may maintain a whistleblower hotline to receive calls from persons who have information regarding possible violations by local government employees of state, federal, or local statutes, rules, or regulations. ~~If a~~

(2) A city, county, or city and county auditor or controller *who* is appointed by, or is an employee of, a legislative body or the government agency that is governed by the city, county, or city and county, ~~the auditor or controller~~ shall obtain approval of that legislative body or the government agency, as the case may be, prior to establishing the whistleblower hotline.

(b) The auditor or controller may refer calls received on the whistleblower hotline to the appropriate government authority for review and possible investigation.

(c) During the initial review of a call received pursuant to subdivision (a), the auditor or controller, or other appropriate governmental agency, shall hold in confidence information disclosed through the whistleblower hotline, including the identity of the caller disclosing the information and the parties identified by the caller.

(d) A call made to the whistleblower hotline pursuant to subdivision (a), or its referral to an appropriate agency under subdivision (b) may not be the sole basis for a time period under a statute of limitation to commence. This section does not change existing law relating to statutes of limitation.

(e) (1) Upon receiving specific information that an employee or local government has engaged in an improper activity, a city or county auditor or controller may conduct an investigative audit of the matter. The identity of the person providing the information that initiated the investigative audit shall not be disclosed without the written permission of that person, unless the disclosure is to a law enforcement agency that is conducting a criminal investigation. If the specific information is in regard to improper government activity that occurred under the jurisdiction of another city, county, or city and county, the information shall be forwarded to the

1 appropriate auditor or controller for that city, county, or city and
2 county.

3 (2) Any investigative audit conducted pursuant to this
4 subdivision shall be kept confidential, except to issue any report
5 of an investigation that has been substantiated, or to release any
6 findings resulting from a conducted investigation that is deemed
7 necessary to serve the interests of the public. In any event, the
8 identity of the individual or individuals involved shall be kept
9 confidential.

10 (f) For purposes of this section, “employee” means any
11 individual employed by any county, city, or city and county,
12 including any charter city or county, and any school district,
13 community college district, municipal or public corporation, or
14 political subdivision that falls under the auditor’s or controller’s
15 jurisdiction.

16 SEC. 2. In adding Section 53807.6 to the Government Code,
17 the Legislature finds and declares that local government
18 whistleblower hotlines are an issue of statewide concern and not
19 a municipal affair as that term is used in Section 5 of Article XI
20 of the California Constitution. Accordingly, it is the intent of the
21 Legislature that Section 53087.6 of the Government Code applies
22 to every city, county, and city and county in this state, including
23 charter cities, charter counties, and charter city and counties.