

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL DRS35054-RI-13

Short Title: Protect Governmental Accountability. (Public)

Sponsors: Senators Brown, Daniel, and Hise (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY STATE AGENCIES' OBLIGATIONS TO REFRAIN FROM
3 INTERFERENCE WITH STATE EMPLOYEES' DUTY TO REPORT VIOLATIONS OF
4 STATE OR FEDERAL LAW, FRAUD, MISAPPROPRIATION OF STATE RESOURCES,
5 AND OTHER GOVERNMENTAL IMPROPRIETIES; AND MAKE OTHER CHANGES
6 TO FOSTER GOVERNMENTAL ACCOUNTABILITY TO PREVENT VIOLATIONS OF
7 STATE OR FEDERAL LAW, FRAUD, MISAPPROPRIATION OF STATE RESOURCES,
8 AND OTHER GOVERNMENTAL IMPROPRIETIES.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 126-84 reads as rewritten:

11 "**§ 126-84. Statement of policy.**

12 (a) It is the policy of this State that State employees shall have a duty to report verbally
13 or in writing to their supervisor, department head, or other appropriate authority, evidence of
14 activity by a State agency or State employee constituting any of the following:

15 (1) A violation of State or federal law, rule or regulation.

16 (2) Fraud.

17 (3) Misappropriation of State resources.

18 (4) Substantial and specific danger to the public health and safety.

19 (5) Gross mismanagement, a gross waste of monies, or gross abuse of authority.

20 (b) Further, it is the policy of this State that State employees be free of intimidation or
21 harassment when reporting to public bodies about matters of public concern, including offering
22 testimony to or testifying before appropriate legislative ~~panels~~ panels, or providing statements or
23 testimony to agents and employees of legislative panels designated to conduct inquiries on behalf
24 of legislative panels."

25 **SECTION 2.** G.S. 126-85 reads as rewritten:

26 "**§ 126-85. Protection from retaliation.**

27 (a) No head of any State department, agency or institution or other State employee
28 exercising supervisory authority shall discharge, threaten or otherwise discriminate against a
29 State employee regarding the State employee's compensation, terms, conditions, location, or
30 privileges of employment because the State employee, or a person acting on behalf of the
31 employee, reports or is about to report, verbally or in writing, any activity described in
32 G.S. 126-84, unless the State employee knows or has reason to believe that the report is
33 inaccurate.

34 (a1) No State employee shall retaliate against another State employee because the
35 employee, or a person acting on behalf of the employee, reports or is about to report, verbally or
36 in writing, any activity described in G.S. 126-84.



1 (b) No head of any State department, agency or institution or other State employee
2 exercising supervisory authority shall discharge, threaten or otherwise discriminate against a
3 State employee regarding the employee's compensation, terms, conditions, location or privileges
4 of employment because the State employee has refused to carry out a directive which in fact
5 constitutes a violation of State or federal law, rule or regulation or poses a substantial and specific
6 danger to the public health and safety.

7 (b1) No State employee shall retaliate against another State employee because the
8 employee has refused to carry out a directive which may constitute a violation of State or federal
9 law, rule or regulation, or poses a substantial and specific danger to the public health and safety.

10 (c) The protections of this Article shall include State employees who report any activity
11 described in G.S. 126-84 to the State Auditor as authorized by ~~G.S. 147-64.6B or to~~
12 ~~G.S. 147-64.6B,~~ the Program Evaluation Division as authorized by ~~G.S. 120-36.12(10).~~
13 G.S. 120-36.12(10), or a legislative panel or an agent or employee of a legislative panel as
14 authorized by G.S. 120-19."

15 **SECTION 3.** G.S. 120-19 reads as rewritten:

16 "**§ 120-19. State officers, etc., upon request, to furnish data and information to legislative**
17 **committees or commissions.**

18 Except as provided in G.S. 105-259, all officers, agents, agencies and departments of the
19 State are required to give to any committee of either house of the General Assembly, or any
20 committee or commission whose funds are appropriated or transferred to the General Assembly
21 or to the Legislative Services Commission for disbursement, upon request, all information and
22 all data within their possession, or ascertainable from their records. This requirement is
23 mandatory and shall include requests made by any individual member of the General Assembly
24 ~~or Assembly,~~ one of its standing committees or the chair of a standing committee, or
25 any other legislative panel or an agent or employee of a legislative panel."

26 **SECTION 4.** This act is effective when it becomes law.