

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 127
Judiciary Committee Substitute Adopted 3/5/19
Third Edition Engrossed 3/7/19

Short Title: Protect Governmental Accountability.

(Public)

Sponsors:

Referred to:

February 26, 2019

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 duly appointed by the President Pro
24 Tempore and/or the Speaker of the House designated to conduct inquiries on behalf of such
25 legislative panels."

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

27 "§ 126-85. Protection from retaliation.

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



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

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

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

13 (c) The protections of this Article shall include State employees who report any activity
14 described in G.S. 126-84 to the State Auditor as authorized by ~~G.S. 147-64.6B~~ or to
15 G.S. 147-64.6B, to the Program Evaluation Division as authorized by G.S. 120-36.12(10).
16 G.S. 120-36.12(10), or to a legislative panel duly appointed by the President Pro Tempore and/or
17 the Speaker of the House or an agent or employee of such a legislative panel as required by
18 G.S. 120-19."

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

20 "**§ 120-19. State officers, etc., upon request, to furnish data and information to legislative**
21 **committees or commissions.**

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

31 **SECTION 4.** Effective when this act becomes law, the head of each State agency,
32 department, and institution shall notify its employees of the changes made by this act.

33 **SECTION 5.** This act is effective when it becomes law.