

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SENATE BILL 127
RATIFIED BILL**

AN ACT TO CLARIFY STATE AGENCIES' OBLIGATIONS TO REFRAIN FROM INTERFERENCE WITH STATE EMPLOYEES' DUTY TO REPORT VIOLATIONS OF STATE OR FEDERAL LAW, FRAUD, MISAPPROPRIATION OF STATE RESOURCES, AND OTHER GOVERNMENTAL IMPROPRIETIES; AND MAKE OTHER CHANGES TO FOSTER GOVERNMENTAL ACCOUNTABILITY TO PREVENT VIOLATIONS OF STATE OR FEDERAL LAW, FRAUD, MISAPPROPRIATION OF STATE RESOURCES, AND OTHER GOVERNMENTAL IMPROPRIETIES.

The General Assembly of North Carolina enacts:

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

"§ 126-84. Statement of policy.

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

- (1) A violation of State or federal law, rule or regulation.
- (2) Fraud.
- (3) Misappropriation of State resources.
- (4) Substantial and specific danger to the public health and safety.
- (5) Gross mismanagement, a gross waste of monies, or gross abuse of authority.

(b) Further, it is the policy of this State that State employees be free of intimidation or harassment when reporting to public bodies about matters of public concern, including offering testimony to or testifying before appropriate legislative ~~panels~~panels, or providing statements or testimony to agents and employees of legislative panels duly appointed by the President Pro Tempore and/or the Speaker of the House designated to conduct inquiries on behalf of such legislative panels."

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

"§ 126-85. Protection from retaliation.

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

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

(b) No head of any State department, agency or institution or other State employee exercising supervisory authority shall discharge, threaten or otherwise discriminate against a State employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the State employee has refused to carry out a directive which in fact



constitutes a violation of State or federal law, rule or regulation or poses a substantial and specific danger to the public health and safety.

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

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

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

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

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

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

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

In the General Assembly read three times and ratified this the 26th day of June, 2019.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2019