

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator Mathern

1 A BILL for an Act to amend and reenact section 34-11.1-04 of the North Dakota Century Code,
2 relating to state investigation of alleged wrongdoing by executive branch state agencies.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 34-11.1-04 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **34-11.1-04. Violations for misuse reported by employee - Reprisals prohibited -**
7 **Furnishing false information - Investigation of state wrongdoing.**

8 1. An employee ~~may~~, without fear of reprisal, may report in writing to the employee's
9 respective agency head, a state's attorney, the attorney general, the labor
10 commissioner, or an employee organization the existence of:

11 a. A job-related violation of local, state, or federal law, rule, regulation, or
12 ordinance.

13 b. The job-related misuse of public resources.

14 2. For having made a report under subsection 1, no employee will:

15 a. Be dismissed from employment.

16 b. Have salary increases or employment-related benefits withheld.

17 c. Be transferred or reassigned.

18 d. Be denied a promotion that the employee otherwise would have received.

19 e. Be demoted.

20 f. Be discriminated against in any term or condition of employment.

21 3. An employee who intentionally furnishes false information is subject to disciplinary
22 action, including suspension or dismissal as determined by the employee's
23 appointing authority or designee. An employee dismissed under this subsection
24 may appeal first to the state personnel board and then to the district court in the

manner prescribed by chapter 28-32, or to other appropriate offices and then to district court if the employee is not under the jurisdiction of the state personnel board.

4. If an executive branch state employee makes a report under subsection 1 to the attorney general or the labor commissioner, and if the recipient of the report is not the employer, the recipient of the report shall forward the report to the state auditor. If the employee is employed by the state auditor, the attorney general shall fulfill the investigation and reporting duties under this subsection.

a. Upon the state auditor's receipt of a report under this subsection, the state auditor shall investigate the alleged violation or suspected violation of federal, state, or local law, ordinance, regulation, or rule or the alleged job-related misuse of public resources.

b. Following an investigation under this subsection, the state auditor shall provide the state auditor's findings to the reporting employee and to the state employer. The state auditor's findings must be issued within sixty days of the state auditor's receipt of the report and must include:

(1) A determination of whether the alleged violation of federal, state, or local law, ordinance, regulation, or rule or the alleged job-related misuse of public resources occurred;

(2) Whether the employer is required to take any actions to remedy the alleged violation or misuse of public funds; and

(3) The process through which the state auditor will track whether the employer is implementing actions that may be required under paragraph 2.

c. A state auditor's report issued under this subsection is an appealable order under chapter 28-32.