

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2267

Introduced by

Senator Holmberg

1 A BILL for an Act to amend and reenact section 34-11.1-04 of the North Dakota Century Code,
2 relating to whistleblower protection for public employees; and to provide for a legislative council
3 study.

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

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

7 **34-11.1-04. Violations for misuse reported by employee - Reprisals prohibited -**
8 **Furnishing false information - Labor department.**

- 9 1. An employee may, without fear of reprisal, report in writing to the employee's
10 respective agency head, a state's attorney, the attorney general, or an employee
11 organization the existence of:
- 12 a. A job-related violation of local, state, or federal law, rule, regulation, or
13 ordinance.
- 14 b. The job-related misuse of public resources.
- 15 2. For having made a report under subsection 1, no employee will:
- 16 a. Be dismissed from employment.
- 17 b. Have salary increases or employment-related benefits withheld.
- 18 c. Be transferred or reassigned.
- 19 d. Be denied a promotion that the employee otherwise would have received.
- 20 e. Be demoted.
- 21 f. Be discriminated against in any term or condition of employment.
- 22 3. An employee who intentionally furnishes false information is subject to disciplinary
23 action, including suspension or dismissal as determined by the employee's
24 appointing authority or designee. An employee ~~dismissed under this subsection~~

1 claiming reprisal under this section may appeal first to the ~~state personnel board~~
2 human resource management services division and then to the district court in the
3 manner prescribed by chapter 28-32, or to other appropriate offices and then to
4 district court if the employee is not under the jurisdiction of the ~~state personnel~~
5 ~~board~~ human resource management services division.

6 **SECTION 2. LEGISLATIVE COUNCIL STUDY - WHISTLEBLOWER LAWS.** During
7 the 2009-10 interim, the legislative council shall consider studying the state's whistleblower
8 protection laws, including whether the laws adequately address the public policy issues related
9 to whistleblower protection. The legislative council shall report its findings and
10 recommendations, together with any legislation required to implement the recommendations, to
11 the sixty-second legislative assembly.