



SF0050

**Government waste, fraud, abuse and whistleblower protection.**

Sponsored By: Senator(s) James, Biteman, Bouchard, French, McKeown and Salazar and Representative(s) Fortner, Laursen and Rodriguez-Williams

AN ACT relating to the administration of government; establishing a reporting system for governmental waste, fraud and abuse; authorizing enforcement actions; imposing employment consequences; amending provisions governing employee protections related to reporting of government waste, fraud and abuse; requiring posted notice of employee protections as specified; requiring reports; specifying applicability; and providing for an effective date.

1/31/2022 Bill Number Assigned  
2/7/2022 S Received for Introduction  
2/18/2022 S Introduced and Referred to S07 - Corporations 20-10-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Baldwin, Biteman, Boner, Bouchard, Case, Cooper, Dockstader, Driskill, Ellis, French, Furphy, Hutchings, James, Mckeown, Nethercott, Perkins, Salazar, Schuler, Steinmetz, Wasserburger

**Nays:** Senator(s) Anderson, Gierau, Hicks, Kinskey, Kolb, Kost, Landen, Pappas, Rothfuss, Scott

**Ayes 20 Nays 10 Excused 0 Absent 0 Conflicts 0**

2/24/2022 S07 - Corporations:Recommend Amend and Do Pass 5-0-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Boner, Case, Driskill, Nethercott, Scott

**Ayes 5 Nays 0 Excused 0 Absent 0 Conflicts 0**

2/24/2022 S Placed on General File

**SF0050SS001/ADOPTED**

Page 9-after line 10 Insert:

"(m) This section is repealed July 1, 2025."

Page 12-line 2 After "subsection." insert "This paragraph is repealed July 1, 2025.". SCOTT, ACTING CHAIRMAN

2/24/2022 S COW:Passed  
2/25/2022 S 2nd Reading:Passed  
2/28/2022 S 3rd Reading:Laid Back

**SF0050S3001/ADOPTED**

Page 3-line 3 After "employee who" insert "knowingly".

Page 3-lines 5 and 6 Delete entirely and insert "department of audit shall be subject to discipline, including and up to termination in accordance with rules of the department of administration and information, for the unauthorized disclosure."

Page 3-line 12 After "shall" insert ", as appropriate".

Page 3-after line 12      Insert and renumber as necessary:

"(i) Classify the report as unfounded if the evidence shows the person or entity reported did not commit the waste, fraud or abuse alleged or that the action reported does not constitute waste, fraud or abuse as defined by law. If a report is classified as unfounded, the director shall take no further action on the report other than to include it in appropriate summary statistics and, if practical, inform the person filing the report of the disposition. If the investigation shows that waste, fraud or abuse was committed by a person or entity other than the person or entity first identified, the investigation of the incident shall continue as provided by this section;".

Page 3-line 14              Delete "(i)" and insert "(ii) Continue to".

Page 3-line 15              Delete "or".

Page 3-line 17              Delete "(ii)" and insert "(iii)".

Page 3-line 19              After "report" insert ";"; delete "to the attorney general" and insert:

"(iv) Refer the information for appropriate action to the prosecuting attorney with proper jurisdiction if".

Page 3-line 21              After "audit" insert "pursuant to paragraph (iii) of this subsection or this paragraph".

Page 3-line 23              Delete "the governmental entity subject to" and insert "any governmental employee named in".

Page 4-line 1                Delete "the director" and insert "a hearing officer from the office of administrative hearings".

Page 4-line 2                After "Act" insert ".".

Page 4-lines 3 and 4        Delete entirely.

Page 4-line 5                Delete entirely and insert "The director may refer a report under both paragraph (iii) of this subsection and this paragraph.".

Page 4-line 16              After "referral." delete balance of line.

Page 4-lines 17 through 23    Delete entirely.

Page 5-lines 1 through 12    Delete entirely.

Page 5-line 14              Delete "crime" and insert "felony"; delete "constitutes" and insert "arises from".

Page 5-line 15              After "abuse" insert "as defined in this section".

Page 5-line 23              Delete ", only after conclusion" and insert ".".

Page 6-line 1                Delete entirely.

Page 6-line 2 Delete line through "result.".

Page 6-line 6 After "name," insert "and if applicable, the".

Page 6-line 7 After "has" delete balance of line.

Page 6-line 8 Delete entirely and insert "been convicted of a crime or has been discharged from governmental employment because of a finding of waste, fraud or abuse pursuant to this section;".

Page 7-line 14 After "16-4-203(b)(i)." insert "No person accused of or investigated for waste, fraud or abuse under this section shall be publicly identified by a governmental agency or employee thereof unless the person is charged with or convicted of a crime or is discharged from governmental employment because of a finding of waste, fraud or abuse pursuant to this section.". JAMES, PERKINS, SCOTT

3/1/2022 S 3rd Reading:Passed 29-1-0-0-0

#### ROLL CALL

**Ayes:** Senator(s) Baldwin, Biteman, Boner, Bouchard, Case, Cooper, Dockstader, Driskill, Ellis, French, Furphy, Gierau, Hicks, Hutchings, James, Kinskey, Kolb, Kost, Landen, Mckeown, Nethercott, Pappas, Perkins, Rothfuss, Salazar, Schuler, Scott, Steinmetz, Wasserburger

**Nays:** Senator Anderson

**Ayes** 29    **Nays** 1    **Excused** 0    **Absent** 0    **Conflicts** 0

3/2/2022 H Received for Introduction  
3/2/2022 H Introduced and Referred to H02 - Appropriations  
3/8/2022 H No report prior to CoW Cutoff  
3/8/2022 H:Died in Committee Returned Bill Pursuant to HR 5-4