

Department of Planning and Budget 2009 Fiscal Impact Statement

1. Bill Number: HB1799

House of Origin X Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Loupassi

3. Committee: General Laws

4. Title: **Fraud and Abuse Whistle Blower Protection Act.**

5. Summary: Establishes the Fraud and Abuse Whistle Blower Protection Act to protect whistle blowers from certain adverse employment actions. The bill defines "whistle blower" as an employee who reports or provides testimony of wrongdoing or abuse. Under the bill employers are prohibited from discharging, threatening, or otherwise discriminating or retaliating against a whistle blower. The bill also (i) provides a civil cause of action for the whistle blower and (ii) establishes the Fraud and Abuse Whistle Blower Reward Fund, administered by the Auditor of Public Accounts, to provide a monetary reward not to exceed \$5,000 to any person who has disclosed information of wrongdoing or abuse under the Act and the disclosure results in a savings of at least \$1 million.

6. Fiscal Impact Estimates: Not Available

7. Budget Amendment Necessary: See Item 8

8. Fiscal Implications: This bill creates a direct impact on the Auditor of Public Accounts (APA). Specifically, the bill tasks the APA with maintaining the Fraud and Abuse Whistle Blower Reward Fund. In addition, the APA is tasked with creating eligibility requirements and procedures for filing reward claims against the fund. It is also assumed that the APA will on an ongoing basis, review any claims for reward and establish those eligible for payout. This will have an indeterminate fiscal impact on the agency, depending on the procedures established for filing claims and the number of claims submitted. This impact would primarily be in terms of additional staff time required to establish procedures, process claims, and make determinations of eligibility.

Much of the impact on the APA assumes that amounts are appropriated to the fund. The bill does not require an appropriation, but any such appropriation to the fund would necessitate a budget amendment.

The bill also has some potential for fiscal impact in the court system in that it creates a new reason for individuals to initiate a civil action. However, it is not possible to predict if this will result in any significant fiscal impact.

9. Specific Agency or Political Subdivisions Affected: Auditor of Public Accounts, Courts

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: 1/16/2009 JDH

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