1	WHIST LEBLOWER AMENDMENTS
2	1999 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Lyle W. Hillyard
5	AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES; MODIFYING THE
6	DEFINITIONS OF DAMAGES AND COSTS IN WHISTLEBLOWER CASES; AND MAKING
7	TECHNICAL CORRECTIONS.
8	This act affects sections of Utah Code Annotated 1953 as follows:
9	AMENDS:
10	67-21-4, as last amended by Chapter 198, Laws of Utah 1996
11	67-21-5, as last amended by Chapter 189, Laws of Utah 1989
12	Be it enacted by the Legislature of the state of Utah:
13	Section 1. Section <b>67-21-4</b> is amended to read:
14	67-21-4. Remedies for employee bringing action Proof required.
15	(1) As used in this section, "damages" means damages for injury or loss caused by each
16	violation of this chapter[, and includes court costs and reasonable attorney fees].
17	(2) An employee who alleges a violation of this chapter may bring a civil action for
18	appropriate injunctive relief or actual damages, or both, within 180 days after the occurrence of
19	the alleged violation of this chapter.
20	(3) An action begun under this section may be brought in the district court for the county
21	where the alleged violation occurred, the county where the complainant resides, or the county
22	where the person against whom the civil complaint is filed resides or has his principal place of
23	business.
24	(4) To prevail in an action brought under the authority of this section, the employee shall
25	establish, by a preponderance of the evidence, that the employee has suffered an adverse action
26	because the employee, or a person acting on his behalf engaged or intended to engage in an activity
27	protected under Section 67-21-3.

28	Section 2. Section <b>67-21-5</b> is amended to read:
29	67-21-5. Court orders for violation of chapter.
30	(1) A court, in rendering a judgment in an action brought under this chapter, may order
31	reinstatement of the employee at the same level, the payment of back wages, full reinstatement of
32	fringe benefits and seniority rights, actual damages, or any combination of these remedies.
33	(2) A court \$ [may] SHALL \$ also award the complainant all or a portion of the costs of
33a	litigation,
34	[including] which are defined to include reasonable attorney fees and witness fees, if the court

## Legislative Review Note as of 1-26-99 5:45 PM

determines that the award is appropriate.

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A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel