

SENATE BILL No. 127

January 30, 2003, Introduced by Senators BERNERO, OLSHOVE, CASSIS, CHERRY, BRATER, JACOBS, SCHAUER, BARCIA, CROSEY, LELAND, BIRKHOLZ, TOY, GOSCHKA, THOMAS and CLARKE and referred to the Committee on Commerce and Labor.

A bill to amend 1980 PA 469, entitled
"The whistleblowers' protection act,"
by amending sections 1 and 5 (MCL 15.361 and 15.365).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Employee" means a person who performs a service for
3 wages or other remuneration under a contract of hire, written or
4 oral, express or implied. Employee includes, ~~—a—~~ **but is not**
5 **limited to, all of the following:**

6 (i) A person employed by ~~—the—~~ **this** state or a political
7 subdivision of ~~—the—~~ **this** state, except **a person in the state**
8 **classified civil service system.**

9 (ii) A person who performs services on behalf of this state
10 pursuant to a contract between that person's employer and this
11 state.

1 (b) "Employer" means a person who has 1 or more employees.

2 Employer includes, ~~an~~ **but is not limited to, all of the**

3 **following:**

4 (i) **An** agent of an employer. ~~and the~~

5 (ii) **This** state or a political subdivision of ~~the~~ **this**

6 state.

7 (c) "Person" means an individual, sole proprietorship,

8 partnership, corporation, association, or any other legal

9 entity.

10 (d) "Public body" means all of the following:

11 (i) A state officer, employee, agency, department, division,

12 bureau, board, commission, council, authority, or other body in

13 the executive branch of state government.

14 (ii) An agency, board, commission, council, member, or

15 employee of the legislative branch of state government.

16 (iii) A county, city, township, village, intercounty,

17 intercity, or regional governing body, a council, school

18 district, special district, or municipal corporation, or a board,

19 department, commission, council, agency, or any member or

20 employee thereof.

21 (iv) Any other body ~~which~~ **that** is created by state or local

22 authority or ~~which~~ **that** is primarily funded by or through state

23 or local authority, or any member or employee of that body.

24 (v) A law enforcement agency or any member or employee of a

25 law enforcement agency.

26 (vi) The judiciary and any member or employee of the

27 judiciary.

1 Sec. 5. (1) A person, **employer, or agent of an employer** who
2 violates this act ~~shall be~~ **is** liable for a civil fine of not
3 more than ~~\$500.00~~ **\$10,000.00**.

4 (2) A civil fine ~~which is~~ ordered ~~pursuant to~~ **under** this
5 act shall be submitted to the state treasurer for deposit in the
6 general fund.