

## SENATE FLOOR AMENDMENT

Second Reading

BY SENATORS Kirkmeyer and Gonzales

- 1 Amend the State, Veterans, and Military Affairs Committee Report, dated  
2 February 16, 2023, page 1, before line 1 insert:
- 3 "Amend printed bill, page 3, line 1, strike "Public" and substitute  
4 "Government".
- 5 Page 3 of the bill, line 15, strike "government".
- 6 Page 3 of the bill, strike line 16 and substitute "applicants for government  
7 employment, government employees, and past government employees  
8 that effectively prohibit such applicants and".
- 9 Page 3 of the bill, line 17, after "their" insert "prospective, current, or  
10 past".
- 11 Page 3 of the bill, strike line 21 and substitute "such applicants or  
12 employees as a condition of their hiring or employment or in".
- 13 Page 3 of the bill, line 22, strike "service;" and substitute "service or their  
14 past government service;".
- 15 Page 3 of the bill, line 24, strike "government employees," and substitute  
16 "applicants for government employment, government employees, and past  
17 government employees,".
- 18 Page 3 of the bill, line 27, strike "their" and substitute "such applicants  
19 and".
- 20 Page 4 of the bill, line 1, after "their" insert "prospective, current, or  
21 past".
- 22 Page 4 of the bill, line 2, after "Such" insert "applicants and".
- 23 Page 4 of the bill, line 3, after "their" insert "prospective, current, or  
24 past".
- 25 Page 4 of the bill, lines 7 and 8, strike "its employees or prospective  
26 employees" and substitute "applicants for employment or employees".
- 27 Page 4 of the bill, line 10, after "when" insert "or after".

- 1 Page 1 of the report, line 1, strike "Amend printed bill, page" and  
2 substitute "Page".
- 3 Page 1 of the report, after line 2 insert:
- 4 "Page 5 of the bill, lines 3 and 4, strike "OR A PROSPECTIVE EMPLOYEE".
- 5 Page 5 of the bill, line 6, strike "OR PROSPECTIVE EMPLOYEE".
- 6 Page 5 of the bill, line 7, strike "INDIVIDUAL'S" and substitute  
7 "EMPLOYEE'S".
- 8 Page 5 of the bill, line 12, strike "FACTUAL" and substitute "THE  
9 EMPLOYEE'S IDENTITY, FACTS THAT MIGHT LEAD TO THE DISCOVERY OF  
10 THE EMPLOYEE'S IDENTITY, OR FACTUAL".
- 11 Page 5 of the bill, line 13, after "IMPLICATE" insert "LEGITIMATE".
- 12 Page 5 of the bill, line 15, after "OF" insert "THE EMPLOYEE'S IDENTITY,  
13 SUCH FACTS, OR".
- 14 Page 1 of the report, after line 17 insert:
- 15 "Page 6 of the bill, line 2, strike "INDIVIDUAL'S" and substitute  
16 "EMPLOYEE'S".
- 17 Page 6 of the bill, line 7, strike "A CURRENT OR FORMER" and substitute  
18 "AN".
- 19 Page 6 of the bill, line 10, strike "FACTUAL" and substitute "THE  
20 EMPLOYEE'S IDENTITY, FACTS THAT MIGHT LEAD TO THE DISCOVERY OF  
21 THE EMPLOYEE'S IDENTITY, OR FACTUAL".
- 22 Page 6 of the bill, line 11, after "IMPLICATE" insert "LEGITIMATE".
- 23 Page 6 of the bill, line 13, after "OF" insert "THE EMPLOYEE'S IDENTITY,  
24 SUCH FACTS, OR".
- 25 Page 2 of the report, after line 11 insert:
- 26 "Page 6 of the bill, line 22, strike "RETALIATORY" and substitute  
27 "MATERIALLY ADVERSE EMPLOYMENT-RELATED".

1 Page 6 of the bill, line 23, strike "FAILURE TO HIRE," and substitute  
2 "WITHDRAWAL OF AN OFFER OF EMPLOYMENT,".

3 Page 6 of the bill, line 25, strike "INDIVIDUAL" and substitute  
4 "EMPLOYEE".

5 Page 6 of the bill, line 26, strike "INDIVIDUAL" and substitute  
6 "EMPLOYEE".

7 Page 7 of the bill, line 1, after the period add "THE TAKING OF SUCH A  
8 MATERIALLY ADVERSE EMPLOYMENT-RELATED ACTION AFTER AN  
9 EMPLOYEE HAS REFUSED TO ENTER INTO SUCH A CONTRACT OR  
10 AGREEMENT IS PRIMA FACIE EVIDENCE OF RETALIATION."."

11 Page 2 of the report, after line 15 insert:

12 "(3) A SETTLEMENT AGREEMENT BETWEEN AN EMPLOYER THAT IS  
13 A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, OR PUBLIC  
14 SCHOOL OR A DEPARTMENT, INSTITUTION, OR AGENCY OF A SCHOOL  
15 DISTRICT, A BOARD OF COOPERATIVE SERVICES, OR A PUBLIC SCHOOL AND  
16 AN EMPLOYEE OF THE EMPLOYER MUST BE SIGNED BY BOTH THE EMPLOYER  
17 AND THE EMPLOYEE.".

18 Page 2 of the report, line 16, strike "(3)" and substitute "(4)" and strike  
19 "SECTION, "CONDITION OF EMPLOYMENT"" and substitute "SECTION:  
20 (a) "CONDITION OF EMPLOYMENT"".

21 Page 2 of the report, line 20, strike "EMPLOYER."." and substitute  
22 "EMPLOYER.

23 (b) "EMPLOYEE" MEANS AN APPLICANT FOR EMPLOYMENT WITH OR  
24 CURRENT OR PAST EMPLOYEE OF A SCHOOL DISTRICT, BOARD OF  
25 COOPERATIVE SERVICES, OR PUBLIC SCHOOL OR A DEPARTMENT,  
26 INSTITUTION, OR AGENCY OF A SCHOOL DISTRICT, BOARD OF COOPERATIVE  
27 SERVICES, OR PUBLIC SCHOOL."."

28 Page 2 of the report, after line 21 insert:

29 "Page 7 of the bill, lines 12 and 13, strike "OR A PROSPECTIVE EMPLOYEE".

30 Page 7 of the bill, lines 14 and 15, strike "OR PROSPECTIVE EMPLOYEE".

31 Page 7 of the bill, line 16, strike "INDIVIDUAL'S" and substitute  
32 "EMPLOYEE'S".

- 1 Page 7 of the bill, line 20, strike "FACTUAL" and substitute "THE  
2 EMPLOYEE'S IDENTITY, FACTS THAT MIGHT LEAD TO THE DISCOVERY OF  
3 THE EMPLOYEE'S IDENTITY, OR FACTUAL".
- 4 Page 7 of the bill, line 21, after "IMPLICATE" insert "LEGITIMATE".
- 5 Page 7 of the bill, line 23, after "OF" insert "THE EMPLOYEE'S IDENTITY,  
6 SUCH FACTS, OR".
- 7 Page 2 of the report, after line 36 insert:
- 8 "Page 8 of the bill, line 7, strike "INDIVIDUAL'S" and substitute  
9 "EMPLOYEE'S".
- 10 Page 8 of the bill, lines 11 and 12, strike "A CURRENT OR FORMER" and  
11 substitute "AN".
- 12 Page 8 of the bill, line 14, strike "FACTUAL" and substitute "THE  
13 EMPLOYEE'S IDENTITY, FACTS THAT MIGHT LEAD TO THE DISCOVERY OF  
14 THE EMPLOYEE'S IDENTITY, OR FACTUAL".
- 15 Page 8 of the bill, line 15, after "IMPLICATE" insert "LEGITIMATE".
- 16 Page 8 of the bill, line 17, after "OF" insert "THE EMPLOYEE'S IDENTITY,  
17 SUCH FACTS, OR".
- 18 Page 3 of the report, after line 15 insert:
- 19 "Page 8 of the bill, line 24, strike "RETALIATORY" and substitute  
20 "MATERIALLY ADVERSE EMPLOYMENT-RELATED".
- 21 Page 8 of the bill, line 25, strike "FAILURE TO HIRE," and substitute  
22 "WITHDRAWAL OF AN OFFER OF EMPLOYMENT,".
- 23 Page 9 of the bill, line 1, strike the first "INDIVIDUAL" and substitute  
24 "EMPLOYEE" and strike the second "INDIVIDUAL" and substitute  
25 "EMPLOYEE".
- 26 Page 9 of the bill, line 3, after the period add "THE TAKING OF SUCH A  
27 MATERIALLY ADVERSE EMPLOYMENT-RELATED ACTION AFTER AN  
28 EMPLOYEE HAS REFUSED TO ENTER INTO SUCH A CONTRACT OR  
29 AGREEMENT IS PRIMA FACIE EVIDENCE OF RETALIATION.".

- 1 Page 3 of the report, after line 19 insert:
- 2 "(3) A SETTLEMENT AGREEMENT BETWEEN AN EMPLOYER THAT IS  
3 THE STATE OR A DEPARTMENT, INSTITUTION, OR AGENCY OF THE STATE  
4 AND AN EMPLOYEE OF THE STATE OR THE DEPARTMENT, INSTITUTION, OR  
5 AGENCY OF THE STATE MUST BE SIGNED BY BOTH THE EMPLOYER AND THE  
6 EMPLOYEE."
- 7 Page 3 of the report, line 20, strike "(3)" and substitute "(4)".
- 8 Page 3 of the report, after line 24 insert:
- 9 "(b) "EMPLOYEE" MEANS AN APPLICANT FOR EMPLOYMENT WITH  
10 OR CURRENT OR PAST EMPLOYEE OF THE STATE OR A DEPARTMENT,  
11 INSTITUTION, OR AGENCY OF THE STATE."
- 12 Page 3 of the report line 25, strike "(b)" and substitute "(c)".
- 13 Page 3 of the report, after line 26 insert:
- 14 "Page 9 of the bill, line 22, strike "OR A PROSPECTIVE EMPLOYEE".
- 15 Page 9 of the bill, line 24, strike "OR PROSPECTIVE EMPLOYEE".
- 16 Page 9 of the bill, line 25, strike "INDIVIDUAL'S" and substitute  
17 "EMPLOYEE'S".
- 18 Page 10 of the bill, line 3, strike "FACTUAL" and substitute "THE  
19 EMPLOYEE'S IDENTITY, FACTS THAT MIGHT LEAD TO THE DISCOVERY OF  
20 THE EMPLOYEE'S IDENTITY, OR FACTUAL".
- 21 Page 10 of the bill, line 4, after "IMPLICATE" insert "LEGITIMATE".
- 22 Page 10 of the bill, line 6, after "OF" insert "THE EMPLOYEE'S IDENTITY,  
23 SUCH FACTS, OR".
- 24 Page 4 of the report, after line 6 insert:
- 25 "Page 10 of the bill, line 17, strike "INDIVIDUAL'S" and substitute  
26 "EMPLOYEE'S".
- 27 Page 10 of the bill, line 22, strike "A CURRENT OR FORMER" and substitute  
28 "AN".

- 1 Page 10 of the bill, line 25, strike "FACTUAL" and substitute "THE  
2 EMPLOYEE'S IDENTITY, FACTS THAT MIGHT LEAD TO THE DISCOVERY OF  
3 THE EMPLOYEE'S IDENTITY, OR FACTUAL".
- 4 Page 10 of the bill, line 26, after "IMPLICATE" insert "LEGITIMATE".
- 5 Page 11 of the bill, line 1, after "OF" insert "THE EMPLOYEE'S IDENTITY,  
6 SUCH FACTS, OR".
- 7 Page 4 of the report, after line 21 insert:
- 8 "Page 11 of the bill, line 9, strike "RETALIATORY" and substitute  
9 "MATERIALLY ADVERSE EMPLOYMENT-RELATED".
- 10 Page 11 of the bill, lines 9 and 10, strike "FAILURE TO HIRE," and  
11 substitute "WITHDRAWAL OF AN OFFER OF EMPLOYMENT,".
- 12 Page 11 of the bill, line 12, strike the first "INDIVIDUAL" and substitute  
13 "EMPLOYEE" and strike the second "INDIVIDUAL" and substitute  
14 "EMPLOYEE".
- 15 Page 11 of the bill, line 15, after the period add "THE TAKING OF SUCH A  
16 MATERIALLY ADVERSE EMPLOYMENT-RELATED ACTION AFTER AN  
17 EMPLOYEE HAS REFUSED TO ENTER INTO SUCH A CONTRACT OR  
18 AGREEMENT IS PRIMA FACIE EVIDENCE OF RETALIATION.".
- 19 Page 4 of the report, after line 25 insert:
- 20 "(3) A SETTLEMENT AGREEMENT BETWEEN AN EMPLOYER THAT IS  
21 A LOCAL GOVERNMENT OR A DEPARTMENT, INSTITUTION, OR AGENCY OF  
22 A LOCAL GOVERNMENT AND AN EMPLOYEE OF THE LOCAL GOVERNMENT  
23 OR THE DEPARTMENT, INSTITUTION, OR AGENCY OF THE LOCAL  
24 GOVERNMENT MUST BE SIGNED BY BOTH THE EMPLOYER AND THE  
25 EMPLOYEE.".
- 26 Page 4 of the report, line 26, strike "(3)" and substitute "(4)".
- 27 Page 4 of the report, after line 31 insert:
- 28 "(b) "EMPLOYEE" MEANS AN APPLICANT FOR EMPLOYMENT WITH  
29 OR CURRENT OR PAST EMPLOYEE OF A LOCAL GOVERNMENT OR A  
30 DEPARTMENT, INSTITUTION, OR AGENCY OF A LOCAL GOVERNMENT.".

- 1 Page 4 of the report, line 32, strike "(b)" and substitute "(c)".
- 2 Strike "SHALL" and substitute "MUST" on: **Page 2** of the report, line 13;
- 3 **Page 3** of the report, line 17; and **Page 4** of the report, line 23.

\*\* \*\* \*\* \*\* \*\*