

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 16, 2023
Date

Committee on State, Veterans, & Military Affairs.

After consideration on the merits, the Committee recommends the following:

SB23-053 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 4, line 26, strike "**employees.**" and substitute
2 "**employees - definition.**".

3 Page 5, line 16, strike "OR".

4 Page 5, strike lines 17 and 18 and substitute:

5 "(II) DATA; INFORMATION, INCLUDING PERSONAL IDENTIFYING
6 INFORMATION, AS DEFINED IN SECTION 24-74-102 (1); OR MATTERS THAT
7 ARE REQUIRED TO BE KEPT CONFIDENTIAL BY FEDERAL LAW OR
8 REGULATIONS, THE STATE CONSTITUTION, OR STATE LAW OR RULES;

9 (III) TRADE SECRETS OR OTHER CONFIDENTIAL OR SENSITIVE
10 INFORMATION PROVIDED TO OR MADE ACCESSIBLE TO THE EMPLOYEE BY
11 A CONTRACTOR OR PROSPECTIVE CONTRACTOR OF THE EMPLOYEE'S
12 EMPLOYER DURING THE PROCUREMENT PROCESS OR WHILE THE
13 CONTRACTOR IS PROVIDING GOODS OR SERVICES TO THE EMPLOYEE'S
14 EMPLOYER IF THE PROTECTION OF SUCH INFORMATION IS NEEDED TO
15 ENSURE SUCCESSFUL PROCUREMENT OR PROVISION OF THE GOODS OR
16 SERVICES; OR

17 (IV) INFORMATION".

18 Page 6, line 14, strike "OR".

19 Page 6, strike lines 15 and 16 and substitute:

20 "(II) DATA; INFORMATION, INCLUDING PERSONAL IDENTIFYING
21 INFORMATION, AS DEFINED IN SECTION 24-74-102 (1); OR MATTERS THAT
22 ARE REQUIRED TO BE KEPT CONFIDENTIAL BY FEDERAL LAW OR

1 REGULATIONS, THE STATE CONSTITUTION, OR STATE LAW OR RULES;
2 (III) TRADE SECRETS OR OTHER CONFIDENTIAL OR SENSITIVE
3 INFORMATION PROVIDED TO OR MADE ACCESSIBLE TO THE EMPLOYEE BY
4 A CONTRACTOR OR PROSPECTIVE CONTRACTOR OF THE EMPLOYEE'S
5 EMPLOYER DURING THE PROCUREMENT PROCESS OR WHILE THE
6 CONTRACTOR IS PROVIDING GOODS OR SERVICES TO THE EMPLOYEE'S
7 EMPLOYER IF THE PROTECTION OF SUCH INFORMATION IS NEEDED TO
8 ENSURE SUCCESSFUL PROCUREMENT OR PROVISION OF THE GOODS OR
9 SERVICES; OR
10 (IV) INFORMATION".

11 Page 6, line 17, strike "MATTERS".

12 Page 7, after line 6 insert:

13 "(c) AN ACTION TO ENFORCE A PROVISION OF THIS SECTION SHALL
14 BE BROUGHT IN THE DISTRICT COURT FOR THE DISTRICT IN WHICH THE
15 EMPLOYEE IS PRIMARILY EMPLOYED.

16 (3) AS USED IN THIS SECTION, "CONDITION OF EMPLOYMENT"
17 MEANS AN EMPLOYMENT-RELATED POLICY, PRACTICE, REQUIREMENT, OR
18 RESTRICTION DICTATED BY AN EMPLOYER THAT AN INDIVIDUAL MUST
19 AGREE TO ABIDE BY IN ORDER TO BE HIRED BY OR RETAIN EMPLOYMENT
20 WITH THE EMPLOYER."

21 Page 7, line 10, strike "**definition.**" and substitute "**definitions.**".

22 Page 7, line 24, strike "AND".

23 Page 7, strike lines 25 and 26 and substitute:

24 "(II) DATA; INFORMATION, INCLUDING PERSONAL IDENTIFYING
25 INFORMATION, AS DEFINED IN SECTION 24-74-102 (1); OR MATTERS THAT
26 ARE REQUIRED TO BE KEPT CONFIDENTIAL BY FEDERAL LAW OR
27 REGULATIONS, THE STATE CONSTITUTION, OR STATE LAW OR RULES;

28 (III) TRADE SECRETS OR OTHER CONFIDENTIAL OR SENSITIVE
29 INFORMATION PROVIDED TO OR MADE ACCESSIBLE TO THE EMPLOYEE BY
30 A CONTRACTOR OR PROSPECTIVE CONTRACTOR OF THE EMPLOYEE'S
31 EMPLOYER DURING THE PROCUREMENT PROCESS OR WHILE THE
32 CONTRACTOR IS PROVIDING GOODS OR SERVICES TO THE EMPLOYEE'S
33 EMPLOYER IF THE PROTECTION OF SUCH INFORMATION IS NEEDED TO
34 ENSURE SUCCESSFUL PROCUREMENT OR PROVISION OF THE GOODS OR
35 SERVICES; OR

36 (IV) INFORMATION".

1 Page 8, line 18, strike "AND".

2 Page 8, strike lines 19 and 20 and substitute:

3 "(II) DATA; INFORMATION, INCLUDING PERSONAL IDENTIFYING
4 INFORMATION, AS DEFINED IN SECTION 24-74-102 (1); OR MATTERS THAT
5 ARE REQUIRED TO BE KEPT CONFIDENTIAL BY FEDERAL LAW OR
6 REGULATIONS, THE STATE CONSTITUTION, OR STATE LAW OR RULES;

7 (III) TRADE SECRETS OR OTHER CONFIDENTIAL OR SENSITIVE
8 INFORMATION PROVIDED TO OR MADE ACCESSIBLE TO THE EMPLOYEE BY
9 A CONTRACTOR OR PROSPECTIVE CONTRACTOR OF THE EMPLOYEE'S
10 EMPLOYER DURING THE PROCUREMENT PROCESS OR WHILE THE
11 CONTRACTOR IS PROVIDING GOODS OR SERVICES TO THE EMPLOYEE'S
12 EMPLOYER IF THE PROTECTION OF SUCH INFORMATION IS NEEDED TO
13 ENSURE SUCCESSFUL PROCUREMENT OR PROVISION OF THE GOODS OR
14 SERVICES; OR

15 (IV) INFORMATION".

16 Page 9, strike line 9 and substitute:

17 "(c) AN ACTION TO ENFORCE A PROVISION OF THIS SECTION SHALL
18 BE BROUGHT IN THE DISTRICT COURT FOR THE DISTRICT IN WHICH THE
19 EMPLOYEE IS PRIMARILY EMPLOYED.

20 (3) AS USED IN THIS SECTION:

21 (a) "CONDITION OF EMPLOYMENT" MEANS AN EMPLOYMENT-
22 RELATED POLICY, PRACTICE, REQUIREMENT, OR RESTRICTION DICTATED BY
23 AN EMPLOYER THAT AN INDIVIDUAL MUST AGREE TO ABIDE BY IN ORDER
24 TO BE HIRED BY OR RETAIN EMPLOYMENT WITH THE EMPLOYER.

25 (b) "THE STATE" INCLUDES WITHOUT".

26 Page 9, line 19, strike "**definition.**" and substitute "**definitions.**".

27 Page 10, line 7, strike "OR".

28 Page 10, strike lines 8 and 9 and substitute:

29 "(II) DATA; INFORMATION, INCLUDING PERSONAL IDENTIFYING
30 INFORMATION, AS DEFINED IN SECTION 24-74-102 (1); OR MATTERS THAT
31 ARE REQUIRED TO BE KEPT CONFIDENTIAL BY FEDERAL LAW OR
32 REGULATIONS, THE STATE CONSTITUTION, OR STATE LAW OR RULES;

33 (III) TRADE SECRETS OR OTHER CONFIDENTIAL OR SENSITIVE
34 INFORMATION PROVIDED TO OR MADE ACCESSIBLE TO THE EMPLOYEE BY
35 A CONTRACTOR OR PROSPECTIVE CONTRACTOR OF THE EMPLOYEE'S

1 EMPLOYER DURING THE PROCUREMENT PROCESS OR WHILE THE
2 CONTRACTOR IS PROVIDING GOODS OR SERVICES TO THE EMPLOYEE'S
3 EMPLOYER IF THE PROTECTION OF SUCH INFORMATION IS NEEDED TO
4 ENSURE SUCCESSFUL PROCUREMENT OR PROVISION OF THE GOODS OR
5 SERVICES; OR

6 (IV) INFORMATION".

7 Page 11, line 2, strike "OR".

8 Page 11, strike lines 3 and 4 and substitute:

9 (II) DATA; INFORMATION, INCLUDING PERSONAL IDENTIFYING
10 INFORMATION, AS DEFINED IN SECTION 24-74-102 (1); OR MATTERS THAT
11 ARE REQUIRED TO BE KEPT CONFIDENTIAL BY FEDERAL LAW OR
12 REGULATIONS, THE STATE CONSTITUTION, OR STATE LAW OR RULES;

13 (III) TRADE SECRETS OR OTHER CONFIDENTIAL OR SENSITIVE
14 INFORMATION PROVIDED TO OR MADE ACCESSIBLE TO THE EMPLOYEE BY
15 A CONTRACTOR OR PROSPECTIVE CONTRACTOR OF THE EMPLOYEE'S
16 EMPLOYER DURING THE PROCUREMENT PROCESS OR WHILE THE
17 CONTRACTOR IS PROVIDING GOODS OR SERVICES TO THE EMPLOYEE'S
18 EMPLOYER IF THE PROTECTION OF SUCH INFORMATION IS NEEDED TO
19 ENSURE SUCCESSFUL PROCUREMENT OR PROVISION OF THE GOODS OR
20 SERVICES; OR

21 (IV) INFORMATION".

22 Page 11, strike line 21 and substitute:

23 (c) AN ACTION TO ENFORCE A PROVISION OF THIS SECTION SHALL
24 BE BROUGHT IN THE DISTRICT COURT FOR THE DISTRICT IN WHICH THE
25 EMPLOYEE IS PRIMARILY EMPLOYED.

26 (3) AS USED IN THIS SECTION:

27 (a) "CONDITION OF EMPLOYMENT" MEANS AN
28 EMPLOYMENT-RELATED POLICY, PRACTICE, REQUIREMENT, OR
29 RESTRICTION DICTATED BY AN EMPLOYER THAT AN INDIVIDUAL MUST
30 AGREE TO ABIDE BY IN ORDER TO BE HIRED BY OR RETAIN EMPLOYMENT
31 WITH THE EMPLOYER.

32 (b) "LOCAL GOVERNMENT" MEANS A".

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