

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.

SB25-083 be amended as follows:

1 Amend printed bill, page 2, strike lines 3 and 4 and substitute "(2)(a),
2 (2)(b), (2)(c) introductory portion, (2)(c)(I), (2)(d), (3)(b), (3)(c), (5), and
3 (9)(a); and **add** (2)(c)(I.3), (2)(c)(I.4), (2)(c)(I.5), (2)(c)(I.6), (2)(c)(I.7),
4 (3)(e),".

5 Page 4, line 2, after "NURSING," insert "LICENSED TO PRACTICE AS A
6 CERTIFIED MIDWIFE,".

7 Page 4, after line 3 insert:

8 "(I.4) "PRACTICE AS A CERTIFIED MIDWIFE" HAS THE MEANING SET
9 FORTH IN SECTION 12-255-104 (7.5).".

10 Page 4, after line 22 insert:

11 "(b) A reasonable confidentiality provision OR TRADE SECRET
12 PROVISION relevant to the employer's business that does not prohibit
13 disclosure of information that arises from the worker's general training,
14 knowledge, skill, or experience, whether gained on the job or otherwise,
15 information that is readily ascertainable to the public, or information that
16 a worker otherwise has a right to disclose as legally protected conduct;".

17 Page 5, after line 12 insert:

18 "(e) A PROVISION PROVIDING FOR AN EMPLOYER'S RECOVERY OF:
19 (I) RELOCATION EXPENSES PAID BY THE EMPLOYER ON BEHALF OF
20 AN INDIVIDUAL. THE EMPLOYER'S RECOVERY IS LIMITED TO THE
21 REASONABLE COSTS OF THE RELOCATION AND MUST DECREASE OVER THE
22 COURSE OF NOT MORE THAN THREE YEARS SUBSEQUENT TO THE
23 EXPENDITURE OF THE RELOCATION EXPENSES PROPORTIONATELY BASED
24 ON THE NUMBER OF MONTHS THAT HAVE PASSED SINCE THE RELOCATION
25 EXPENDITURE.

26 (II) A SIGNING BONUS OR OTHER REMUNERATION PAID BY THE
27 EMPLOYER TO AN INDIVIDUAL TO INDUCE THE INDIVIDUAL TO RELOCATE
28 OR, IN THE CASE OF A HEALTH-CARE PROVIDER, TO ESTABLISH A
29 HEALTH-CARE PRACTICE IN A SPECIFIED GEOGRAPHIC AREA. THE
30 EMPLOYER'S RECOVERY OF THE SIGNING BONUS OR OTHER REMUNERATION
31 MUST DECREASE OVER THE COURSE OF NOT MORE THAN THREE YEARS
32 SUBSEQUENT TO THE EXPENDITURE OF THE SIGNING BONUS OR OTHER
33 REMUNERATION PROPORTIONATELY BASED ON THE NUMBER OF MONTHS
34 THAT HAVE PASSED SINCE THE EXPENDITURE OF THE SIGNING BONUS OR

1 OTHER REMUNERATION.

2 (III) RECRUITING EXPENSES PAID BY THE EMPLOYER TO RECRUIT
3 A HEALTH-CARE PROVIDER. THE EMPLOYER'S RECOVERY OF THE
4 RECRUITING EXPENSES MUST DECREASE OVER THE COURSE OF NOT MORE
5 THAN THREE YEARS SUBSEQUENT TO THE EXPENDITURE OF THE SIGNING
6 BONUS OR OTHER REMUNERATION PROPORTIONATELY BASED ON THE
7 NUMBER OF MONTHS THAT HAVE PASSED SINCE THE EXPENDITURE OF THE
8 SIGNING BONUS OR OTHER REMUNERATION.

9 (IV) MARKETING EXPENSES PAID BY THE EMPLOYER TO MARKET
10 AN INDIVIDUAL HEALTH-CARE PROVIDER. THE EMPLOYER'S RECOVERY OF
11 THE MARKETING EXPENSES MUST DECREASE OVER THE COURSE OF NOT
12 MORE THAN THREE YEARS SUBSEQUENT TO THE EXPENDITURE OF THE
13 MARKETING EXPENSES BASED ON THE NUMBER OF MONTHS THAT HAVE
14 PASSED SINCE THE EXPENDITURE OF THE MARKETING EXPENSES.".

15 Page 5, line 22, after "competition." insert "A PROVISION OF AN
16 EMPLOYMENT AGREEMENT OR ANY OTHER AGREEMENT ENFORCEABLE AT
17 LAW THAT DOES NOT INCLUDE AN UNLAWFUL RESTRICTIVE COVENANT
18 REMAINS ENFORCEABLE AND SUBJECT TO ANY DAMAGES OR EQUITABLE
19 REMEDY OTHERWISE AVAILABLE AT LAW, INCLUDING LIQUIDATED
20 DAMAGES.".

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