

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 12, 2013

Date

Committee on Business, Labor, Economic, & Workforce Development.

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

HB13-1046 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill page 2, line 5, strike "**definitions.**" and substitute
- 2 **definitions - rules.**".
  
- 3 Page 2, line 15, after the period add ""EMPLOYER" DOES NOT INCLUDE THE
- 4 DEPARTMENT OF CORRECTIONS, COUNTY CORRECTIONS DEPARTMENTS, OR
- 5 ANY STATE OR LOCAL LAW ENFORCEMENT AGENCY."
  
- 6 Page 2, line 16, strike "REQUEST" and substitute "SUGGEST, REQUEST,".
  
- 7 Page 2, line 17, strike "DISCLOSE" and substitute "DISCLOSE, OR CAUSE AN
- 8 EMPLOYEE OR APPLICANT TO DISCLOSE,".
  
- 9 Page 2, line 19, after "APPLICANT'S" insert "PERSONAL".
  
- 10 Page 2, line 20, after the period add "AN EMPLOYER SHALL NOT COMPEL
- 11 AN EMPLOYEE OR APPLICANT TO ADD ANYONE, INCLUDING THE EMPLOYER
- 12 OR HIS OR HER AGENT, TO THE EMPLOYEE'S OR APPLICANT'S LIST OF
- 13 CONTACTS ASSOCIATED WITH A SOCIAL MEDIA ACCOUNT OR REQUIRE,
- 14 REQUEST, SUGGEST, OR CAUSE AN EMPLOYEE OR APPLICANT TO CHANGE
- 15 PRIVACY SETTINGS ASSOCIATED WITH A SOCIAL NETWORKING ACCOUNT."
  
- 16 Page 3, line 9, strike "SECTION;" and substitute "SECTION OR REFUSAL TO
- 17 ADD THE EMPLOYER TO THE LIST OF THE EMPLOYEE'S CONTACTS OR TO
- 18 CHANGE THE PRIVACY SETTINGS ASSOCIATED WITH A SOCIAL MEDIA

1 ACCOUNT;".

2 Page 3, line 12, strike "SECTION." and substitute "SECTION OR REFUSES TO  
3 ADD THE EMPLOYER TO THE APPLICANT'S LIST OF CONTACTS OR TO THE  
4 CHANGE THE PRIVACY SETTINGS ASSOCIATED WITH A SOCIAL MEDIA  
5 ACCOUNT."

6 Page 3, strike lines 24 through 27.

7 Page 4, strike lines 1 through 5 and substitute:

8           "(5) A PERSON WHO IS INJURED BY A VIOLATION OF THIS SECTION  
9 MAY FILE A COMPLAINT WITH THE DEPARTMENT OF LABOR AND  
10 EMPLOYMENT. THE DEPARTMENT SHALL INVESTIGATE THE COMPLAINT  
11 AND ISSUE FINDINGS THIRTY DAYS AFTER A HEARING. THE DEPARTMENT  
12 MAY PROMULGATE RULES REGARDING PENALTIES THAT INCLUDE A FINE OF  
13 UP TO ONE THOUSAND DOLLARS FOR THE FIRST OFFENSE AND A FINE NOT  
14 TO EXCEED FIVE THOUSAND DOLLARS FOR EACH SUBSEQUENT OFFENSE."

15           (6) NOTHING IN THIS SECTION PROHIBITS AN EMPLOYER FROM  
16 ENFORCING EXISTING PERSONNEL POLICIES THAT DO NOT CONFLICT WITH  
17 THIS SECTION."

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