

SENATOR LANDIS: ...as to what was happening. It is really an unfair burden. It is an evidentiary impossibility. So, number one, the state now has the burden to show just cause for firing. So this isn't a tremendous shift in burden. Two, the state has tremendously different resources. They have a personnel folder. They have a lot of fact-finding. They have...they are represented by counsel. They are in a position to go to an adversarial relationship and defend their interests. Three, Senator Beutler asks us to really place on the employee an impossible burden, an evidentiary burden to establish a state of mind, if you will. That will be very difficult. I don't think we are going to find managers saying to some subordinate, fire so-and-so because they leaked this to the Ombudsman. And it is going to be darn hard, without that kind of evidence, to show that what we really have there is retaliation. Lastly, there is no real protection without it. The difference between David and Goliath is so great that this tiny, little shield that we are giving to David, in this case, is being stripped away, and it really is hand-to-hand combat on a level playing field between David and Goliath.

SPEAKER NICHOL: Time is up.

SENATOR LANDIS: That is not a fair situation for the employee, for that reason I resist the Beutler amendment and will oppose it.

SPEAKER NICHOL: Senator Abboud, please.

SENATOR ABOUD: Mr. President, colleagues, I rise to support Senator Beutler's amendment. I serve on the Government Committee. The Government Committee heard this bill. It was voted out. There was one problem with the bill. I agree with the bill philosophically. I think it is great when a state employee sees corruption or fraud going on in government or inefficiency and he comes forward with it. We can correct these inefficiencies and corruptions in the system. I think there should be some protection there for the state employees. But there is one problem or one instance where this bill just won't work and it will hurt the system. That is what Senator Beutler is seeking to correct with this amendment, that is when an employee knows that he is going to be fired in a short time so what he does is he runs and files a complaint against his supervisor or the person that is in charge of him. As a result this will