

**FIFTY-FIFTH LEGISLATURE  
FIRST SESSION, 2021**

February 20, 2021

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred  
**HOUSE BILL 38, as amended**

has had it under consideration and reports same with  
recommendation that it **DO PASS**, amended as follows:

1. Strike House Commerce and Economic Development Committee  
Amendments 12 and 13.

2. On page 1, line 19, after the second semicolon, insert  
"PREEMPTING SIMILAR PROGRAMS;".

3. On page 2, line 9, after the second occurrence of "leave",  
insert "compensation".

4. On page 2, line 24, after the semicolon, insert  
""employee" does not mean an employee of an employer subject to the  
provisions of Title II of the federal Railway Labor Act or an  
employee as defined in either the federal Railroad Unemployment  
Insurance Act or the federal Employers' Liability Act or other  
comparable federal law;".

5. On page 3, line 3, strike "paid".

6. On page 3, line 4, strike "applies" and insert in lieu  
thereof "can apply for leave compensation".

7. On page 4, line 13, strike "applies" and insert in lieu  
thereof "can apply for leave compensation".

8. On page 4, line 16, strike "for" and insert in lieu  
thereof "who takes".

9. On page 4, line 18, strike "paid".

10. On page 4, line 19, strike "applies" and insert in lieu  
thereof "can apply for leave compensation".

11. On page 9, line 19, strike "January" and insert in lieu  
thereof "July" and strike "an employer shall".

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12. On page 9, line 20, strike "allow" and insert in lieu thereof "the department shall provide leave compensation to" and strike "to take" and insert in lieu thereof "who takes".

13. On page 9, line 24, after "leave", insert "compensation".

14. On page 10, line 11, strike "January" and insert in lieu thereof "July".

15. On page 10, line 16, after "leave", insert "compensation".

16. On page 11, line 4, strike "to take" and insert in lieu thereof "for", strike "weeks'" and insert in lieu thereof "weeks of" and before "during", insert "compensation".

17. On page 11, line 6, strike "take leave" and insert in lieu thereof "receive leave compensation for leave taken".

18. On page 11, line 10, before "at", insert "compensation".

19. On page 11, line 12, strike the first occurrence of "leave".

20. On page 14, line 1, after "leave", insert "compensation".

21. On page 15, line 14, after "leave", insert "compensation".

22. On page 15, line 17, after "leave", insert "compensation".

23. On page 15, line 19, after "leave", insert "compensation".

24. On page 15, line 23, after "leave", insert "compensation".

25. On page 16, between lines 14 and 15, insert the following new subsection:

"A. Beginning July 1, 2024, an employer shall allow an

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employee to take up to a combined total of twelve weeks of family leave and medical leave during any twelve-month period. An employee may take leave intermittently and is not required to use twelve weeks of leave at any one time."

26. Reletter the succeeding subsections accordingly.

27. On page 17, line 2, after "takes", insert "family leave or medical".

28. On page 17, line 3, strike "to".

29. On page 17, line 4, strike "take paid leave concurrently with" and insert in lieu thereof "that also qualifies for".

30. On page 17, line 5, after "1993", insert "to take the leaves concurrently".

31. On page 20, line 9, after "who", insert ", reasonably but" and strike "but in good faith,".

32. On pages 23 and 24, strike Section 12 in its entirety and insert in lieu thereof the following new section:

**"SECTION 12. [NEW MATERIAL] PREEMPTION.--**

A. A city, county, home rule municipality or other political subdivision of the state shall not adopt nor continue in effect any ordinance, rule, regulation, resolution or statute that establishes a program of rights and benefits as set out in the Paid Family and Medical Leave Act, excluding a paid sick leave or paid time off ordinance, policy or resolution.

B. Subject to the requirements of the Paid Family and Medical Leave Act, the provision of Subsection A of this section shall not prevent a city, county, home rule municipality or other political subdivision of the state from establishing any leave policies for its employees."

33. Renumber the succeeding sections accordingly.,

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Respectfully submitted,

\_\_\_\_\_  
Gail Chasey, Chair

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 8 For 2 Against  
Yes: 8  
No: Nibert, Rehm  
Excused: Cook, Townsend  
Absent: None

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