

HOUSE AMENDMENT NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By

1 AMEND House Amendment No. _____ to House Bill No. 126, Page 1, Line 1, by inserting after
2 number "126," the following:

3
4 "Page 1, Section A, Line 3, by inserting after all of said section and line the following:

5
6 "143.121. 1. The Missouri adjusted gross income of a resident individual shall be the
7 taxpayer's federal adjusted gross income subject to the modifications in this section.

8 2. There shall be added to the taxpayer's federal adjusted gross income:

9 (1) The amount of any federal income tax refund received for a prior year which resulted in
10 a Missouri income tax benefit;

11 (2) Interest on certain governmental obligations excluded from federal gross income by
12 Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on
13 obligations of the state of Missouri or any of its political subdivisions or authorities and shall not
14 apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added
15 pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would
16 have been deductible in computing the taxable income of the taxpayer except only for the
17 application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at
18 least five hundred dollars;

19 (3) The amount of any deduction that is included in the computation of federal taxable
20 income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and
21 Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on
22 or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the
23 amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of
24 1986 as in effect on January 1, 2002;

25 (4) The amount of any deduction that is included in the computation of federal taxable
26 income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as
27 amended, other than the deduction allowed by Section [~~172(b)(1)(G)~~] 172(b)(1)(F) and Section
28 [~~172(i)~~] 172(h) of the Internal Revenue Code of 1986, as amended, for a net operating loss the
29 taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a
30 period of more than twenty years and carries backward for more than two years. Any amount of net
31 operating loss taken against federal taxable income but disallowed for Missouri income tax purposes
32 pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any
33 income on the Missouri income tax return for a period of not more than twenty years from the year
34 of the initial loss; and

Action Taken _____ Date _____

1 (5) For nonresident individuals in all taxable years ending on or after December 31, 2006,
2 the amount of any property taxes paid to another state or a political subdivision of another state for
3 which a deduction was allowed on such nonresident's federal return in the taxable year unless such
4 state, political subdivision of a state, or the District of Columbia allows a subtraction from income
5 for property taxes paid to this state for purposes of calculating income for the income tax for such
6 state, political subdivision of a state, or the District of Columbia.

7 3. There shall be subtracted from the taxpayer's federal adjusted gross income the following
8 amounts to the extent included in federal adjusted gross income:

9 (1) Interest or dividends on obligations of the United States and its territories and
10 possessions or of any authority, commission or instrumentality of the United States to the extent
11 exempt from Missouri income taxes pursuant to the laws of the United States. The amount
12 subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to
13 carry the described obligations or securities and by any expenses incurred in the production of
14 interest or dividend income described in this subdivision. The reduction in the previous sentence
15 shall only apply to the extent that such expenses including amortizable bond premiums are deducted
16 in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri
17 itemized deduction. The reduction shall only be made if the expenses total at least five hundred
18 dollars;

19 (2) The portion of any gain, from the sale or other disposition of property having a higher
20 adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax
21 purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is
22 considered a long-term capital gain for federal income tax purposes, the modification shall be
23 limited to one-half of such portion of the gain;

24 (3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or
25 other amount of income or gain which was properly included in income or gain and was taxed
26 pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a
27 decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or
28 to a trust or estate from which the taxpayer received the income or gain;

29 (4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the
30 extent that the same are included in federal adjusted gross income;

31 (5) The amount of any state income tax refund for a prior year which was included in the
32 federal adjusted gross income;

33 (6) The portion of capital gain specified in section 135.357 that would otherwise be included
34 in federal adjusted gross income;

35 (7) The amount that would have been deducted in the computation of federal taxable income
36 pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent
37 that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to
38 the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal
39 Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

40 (8) For all tax years beginning on or after January 1, 2005, the amount of any income
41 received for military service while the taxpayer serves in a combat zone which is included in federal
42 adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat
43 zone" means any area which the President of the United States by Executive Order designates as an
44 area in which Armed Forces of the United States are or have engaged in combat. Service is
45 performed in a combat zone only if performed on or after the date designated by the President by
46 Executive Order as the date of the commencing of combat activities in such zone, and on or before
47 the date designated by the President by Executive Order as the date of the termination of combatant
48 activities in such zone;

49 (9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is

1 sold or otherwise disposed of during a taxable year by a taxpayer and for which an additional
2 modification was made under subdivision (3) of subsection 2 of this section, the amount by which
3 additional modification made under subdivision (3) of subsection 2 of this section on qualified
4 property has not been recovered through the additional subtractions provided in subdivision (7) of
5 this subsection; ~~and~~

6 (10) The amount contributed to the Missouri earned family and medical leave fund
7 established under section 285.435; and

8 (11) For all tax years beginning on or after January 1, 2014, the amount of any income
9 received as payment from any program which provides compensation to agricultural producers who
10 have suffered a loss as the result of a disaster or emergency, including the:

- 11 (a) Livestock Forage Disaster Program;
- 12 (b) Livestock Indemnity Program;
- 13 (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;
- 14 (d) Emergency Conservation Program;
- 15 (e) Noninsured Crop Disaster Assistance Program;
- 16 (f) Pasture, Rangeland, Forage Pilot Insurance Program;
- 17 (g) Annual Forage Pilot Program;
- 18 (h) Livestock Risk Protection Insurance Plan; and
- 19 (i) Livestock Gross Margin insurance plan.

20 4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income
21 the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

22 5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income
23 the modifications provided in section 143.411.

24 6. In addition to the modifications to a taxpayer's federal adjusted gross income in this
25 section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's
26 federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue
27 Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a
28 result of condemnation or the imminence thereof.

29 7. (1) As used in this subsection, "qualified health insurance premium" means the amount
30 paid during the tax year by such taxpayer for any insurance policy primarily providing health care
31 coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

32 (2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the
33 amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal
34 adjusted gross income to the extent the amount paid for such premiums is included in federal
35 taxable income. The taxpayer shall provide the department of revenue with proof of the amount of
36 qualified health insurance premiums paid.

37 8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section,
38 one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an
39 entity certified by the department of natural resources under section 640.153 or the implementation
40 of any energy efficiency recommendations made in such an audit shall be subtracted from the
41 taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is
42 included in federal taxable income. The taxpayer shall provide the department of revenue with a
43 summary of any recommendations made in a qualified home energy audit, the name and
44 certification number of the qualified home energy auditor who conducted the audit, and proof of the
45 amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer
46 shall also provide a copy of the summary of any recommendations made in a qualified home energy
47 audit to the department of natural resources.

48 (2) At no time shall a deduction claimed under this subsection by an individual taxpayer or
49 taxpayers filing combined returns exceed one thousand dollars per year for individual taxpayers or

1 cumulatively exceed two thousand dollars per year for taxpayers filing combined returns.

2 (3) Any deduction claimed under this subsection shall be claimed for the tax year in which
3 the qualified home energy audit was conducted or in which the implementation of the energy
4 efficiency recommendations occurred. If implementation of the energy efficiency recommendations
5 occurred during more than one year, the deduction may be claimed in more than one year, subject to
6 the limitations provided under subdivision (2) of this subsection.

7 (4) A deduction shall not be claimed for any otherwise eligible activity under this subsection
8 if such activity qualified for and received any rebate or other incentive through a state-sponsored
9 energy program or through an electric corporation, gas corporation, electric cooperative, or
10 municipally owned utility.

11 9. The provisions of subsection 8 of this section shall expire on December 31, 2020.";

12
13 Further amend said bill,"; and

14
15 Further amend said amendment, Page 2, Line 4, by inserting after all of said line the following:

16
17 "Further amend said bill, Page 9, Section 188.052, Line 21, by inserting after all of said section and
18 line the following:

19
20 "285.400. 1. The provisions of sections 285.400 to 285.440 shall be known and may be
21 cited as the "Missouri Earned Family and Medical Leave Act".

22 2. As used in sections 285.400 to 285.440, the following terms shall mean:

23 (1) "Average state weekly pay", the total wages earned by all employees who have
24 contributed to the fund in the past twelve months divided by the total number of such employees,
25 the quotient of which is divided by the average number of weeks worked by all employees who have
26 contributed to the fund in the last twelve months;

27 (2) "Average weekly pay", the total wages earned by an employee in the past twelve months
28 divided by the number of weeks worked by the employee in such twelve-month period, or the
29 weekly salary of the employee at the time that family or medical leave is taken, whichever is
30 greater, provided that, the average weekly pay shall never exceed the average state weekly pay;

31 (3) "Care", includes, but is not limited to, physical care, emotional support, visitation,
32 assistance in treatment, transportation, arranging for a change in care, assistance with essential daily
33 living matters, and personal attendant services;

34 (4) "Child", a biological, adopted, or foster son or daughter, a stepson or stepdaughter, a
35 legal ward, a son or daughter of a domestic or civil union partner, or a person to whom the employee
36 stands in loco parentis who is under nineteen years of age or nineteen years of age or older but
37 incapable of self-care because of mental or physical impairment;

38 (5) "Department", the department of labor and industrial relations;

39 (6) "Employee", any person performing service for remuneration unless it is shown to the
40 satisfaction of the department that such services were performed by an independent contractor. In
41 determining the existence of the independent contractor relationship, the common law of agency
42 right to control test shall be applied. The common law of agency right to control test shall include,
43 but not be limited to, if the alleged employer retains the right to control the manner and means by
44 which the results are to be accomplished, the person who performs the service is an employee. If
45 only the results are controlled, the person performing the service is an independent contractor;

46 (7) "Employer", any person acting directly or indirectly in the interest of an employer in
47 relation to an employee;

48 (8) "Family member", a child, parent, grandparent, grandchild, sibling, spouse, domestic or
49 civil union partner, or household member, or any ward as that term is defined in section 475.010;

1 (9) "Family or medical leave", any of the following:

2 (a) Leave to bond with a minor child within the first year of the child's birth or placement in
3 connection with foster care or adoption;

4 (b) Leave to care for a family member who has a serious health condition;

5 (c) Leave due to an employee's own serious health condition; or

6 (d) Leave to assume any familial responsibility because a spouse, child, or parent of an
7 employee is on or has been notified of an impending call to active duty in the uniformed services;

8 (10) "Fund", the Missouri earned family and medical leave fund established in section
9 285.435;

10 (11) "Grandchild", a child of the employee's child;

11 (12) "Grandparent", a parent of the employee's parent;

12 (13) "Health care provider", any physician, hospital, health maintenance organization,
13 ambulatory surgical center, long-term care facility including those licensed under chapter 198,
14 dentist, registered or licensed practical nurse, optometrist, podiatrist, pharmacist, chiropractor,
15 professional physical therapist, psychologist, physician-in-training, or any other person or entity that
16 provides health care services under the authority of a license or certificate of this state or any other
17 state or foreign country;

18 (14) "Parent", a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal
19 guardian, or other person who stood in loco parentis to the employee when the employee was a
20 child;

21 (15) "Parent-in-law", the parent of a spouse or domestic or civil union partner;

22 (16) "Serious health condition", an illness, injury, impairment, or physical or mental
23 condition that involves inpatient care in a hospital, hospice, or residential health care facility, or
24 continuing medical treatment or continuing supervision by a health care provider. The term shall
25 include medical attention, services, or counseling for victims of stalking, domestic violence, abuse,
26 or sexual assault, as such terms are defined in section 455.010, or victims of trafficking for the
27 purpose of sexual exploitation as described in section 566.209;

28 (17) "Sibling", a person related to another person by blood, adoption, or affinity through a
29 common legal or biological parent;

30 (18) "Spouse", a partner to a lawful marriage; and

31 (19) "Uniformed services":

32 (a) Active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast
33 Guard of the United States;

34 (b) The Merchant Marine, the commissioned corps of the Public Health Service, or the
35 commissioned corps of the National Oceanic and Atmospheric Administration of the United States;
36 or

37 (c) The Missouri National Guard.

38 285.405. 1. There is hereby established the "Missouri Earned Family and Medical Leave
39 Program" to provide up to six weeks of wage replacement benefits to employees who take time off
40 work for family or medical leave. The department shall administer and implement the program and
41 the provisions of sections 285.400 to 285.440, and shall pay Missouri family or medical leave
42 benefits as specified in such sections.

43 2. An employee shall be eligible to receive Missouri earned family or medical leave
44 program benefits equal to one hundred percent of his or her average weekly pay for each full week
45 during which he or she has taken family or medical leave. An employee may take family or medical
46 leave for a partial week and shall only be eligible to receive the fraction of the average weekly pay
47 which is equal to the number of days of leave taken divided by the number of days for which such
48 employee would have otherwise worked in the respective week had the employee not taken family
49 or medical leave. Any leave taken shall be in full-day increments.

1 3. No more than six weeks of Missouri earned family and medical leave benefits shall be
2 paid to an employee within any fifty-two week period.

3 4. An employee shall file a claim for Missouri earned family and medical leave benefits
4 with the department no later than the forty-first consecutive day following the first compensable day
5 with respect to which the claim is made for benefits, which time shall be extended by the
6 department upon a showing of good cause. If a first claim is not complete, the claim form shall be
7 returned to the employee for completion, and it shall be completed and returned no later than the
8 tenth consecutive day after the date it was verifiably sent by the department to the employee, except
9 that such time shall be extended by the department upon a showing of good cause.

10 5. No employee shall be eligible for Missouri earned family and medical leave program
11 benefits with respect to any day:

12 (1) That he or she is eligible to receive unemployment compensation benefits under chapter
13 288 or under an unemployment compensation act of any other state or of the federal government; or

14 (2) That he or she has received, or is entitled to receive, any other benefits under chapter
15 287.

16 6. No employee shall be eligible for Missouri earned family and medical leave benefits until
17 such employee has paid into the Missouri earned family and medical leave fund for fifty-two weeks.

18 7. An employee who is entitled to leave under the Missouri earned family and medical leave
19 act and the Family and Medical Leave Act (FMLA) under 29 U.S.C. Section 2601 et seq. shall take
20 family or medical leave under this act concurrent with leave taken under the FMLA.

21 8. The first payment of Missouri family or medical leave benefits shall be made to an
22 employee within two weeks after the completed claim is received by the department or the day the
23 family or medical leave began, whichever is later. Subsequent payments shall be made bimonthly.

24 285.410. 1. (1) An employee shall establish eligibility for each uninterrupted family or
25 medical care leave period by filing a first claim for benefits, supported by the certificate of a treating
26 physician or health care provider that establishes the serious health condition of the family member
27 that warrants the care of the employee or that establishes the serious health condition of the
28 employee. For subsequent periods of uninterrupted leave after the period covered by the initial
29 certificate or any preceding continued claim, a claimant shall file a continued claim for those
30 benefits, supported by the certificate of a treating physician or health care provider.

31 (2) For employees seeking leave in order to assume a familial responsibility due to a spouse,
32 child, or parent being on active duty in the uniformed services, eligibility for leave shall be
33 established by providing, in a manner satisfactory to the department, proof of the family member
34 being on active duty.

35 (3) For employees seeking leave due to a serious health condition related to seeking medical
36 attention, services, or counseling for victims of stalking, domestic violence, abuse, or sexual assault,
37 as such terms are defined in section 455.010, or victims of trafficking for purposes of sexual
38 exploitation as described in section 566.209, the certificate required by subdivision (1) of this
39 subsection may be provided by any of the following:

40 (a) A treating physician;

41 (b) A health care provider;

42 (c) A court which has jurisdiction over a judicial proceeding relating to the serious health
43 condition of the employee or the serious health condition of the family member of the employee; or

44 (d) A law enforcement officer with knowledge of the serious health condition of the
45 employee or the serious health condition of the family member of the employee.

46 2. The certificates required under subsection 1 of this section shall be developed by the
47 department. In order to establish medical eligibility of the serious health condition of the family
48 member that warrants the care of the employee, or to establish medical eligibility of the serious
49 health condition of the employee, the information on the certificate shall be within the physician's or

1 health care provider's knowledge and shall be based on a physical examination and documented
2 medical history of the family member or employee. The certificate shall contain all of the
3 following:

4 (1) A diagnosis and diagnostic code prescribed in the International Classification of
5 Diseases or, if no diagnosis has yet been obtained, a detailed statement of symptoms;

6 (2) The date, if known, on which the condition commenced;

7 (3) The probable duration of the condition;

8 (4) An estimate of the amount of time that the physician or health care provider believes the
9 employee needs to care for the family member or himself or herself; and

10 (5) If applicable, a statement that the serious health condition warrants the participation of
11 the employee to provide care for his or her family member.

12 3. The department shall develop a certificate form that is separate and distinct from the
13 certificate required in subsection 1 of this section for an employee taking leave to bond with a minor
14 child within the first year of the child's birth or placement in connection with foster care or adoption.

15 4. Any claim of an individual who obtains care and treatment outside the state shall be
16 supported by a certificate of a treating physician or health care provider duly licensed or certified by
17 the state or foreign country in which the claimant is receiving care and treatment.

18 5. Nothing in this section shall be construed to preclude the department from requesting
19 additional medical evidence to supplement any claim. Any cost incurred for procuring additional
20 medical evidence shall be paid by the employee. The department may require that the additional
21 evidence include any or all of the following:

22 (1) Identification of diagnoses;

23 (2) Identification of symptoms;

24 (3) A statement setting forth the facts of the serious health condition of the employee or
25 such employee's family member, which shall be completed by any of the following individuals:

26 (a) The physician or health care provider treating the employee or family member of the
27 employee;

28 (b) The registrar, authorized medical officer, or other duly authorized official of the hospital
29 or health care facility treating the employee or family member of the employee; or

30 (c) An examining physician or other representative of the department; and

31 (4) An affidavit from an employee averring that the employee or such employee's spouse
32 gave birth to a child or has adopted or received a child in connection with foster care.

33 285.415. Employees shall provide at least thirty days' advance notice to their employer
34 before family and medical leave is to begin if the need for the leave is foreseeable. If thirty days'
35 notice is not practicable, notice shall be given to the employer as soon as practicable.

36 285.420. 1. Except as provided in subsection 4 of this section, an employee may file a
37 notice of appeal from any determination of eligibility for benefits made by the department, by mail
38 or in person, within thirty days after the date on which a copy of the department's decision was
39 received by the employee. Upon receipt of the notice of appeal, the department shall request the
40 assignment of an administrative law judge in accordance with chapter 536 to conduct a hearing and
41 issue a proposed decision and order. The hearing shall be conducted in accordance with chapter
42 536.

43 2. The administrative law judge's proposed decision and order shall be final and not subject
44 to further appeal unless, within thirty days after the decision is served on the interested parties, a
45 party files a petition for judicial review as provided in chapter 536.

46 3. A determination of the amount of benefits payable under sections 285.400 to 285.440
47 shall not serve as a basis for appeal under this section. However, the determination shall be subject
48 to request by the employee on family or medical leave for redetermination by the department at any
49 time within one year from the date of delivery or mailing of such determination, or any

1 redetermination thereof. A redetermination shall be furnished to the individual in writing.

2 4. A denial of benefits shall become final in the absence of timely appeal therefrom. The
 3 department may redetermine a denial of benefits at any time within one year from delivery or
 4 mailing of such denial to correct an error in identity, omission of fact, or misapplication of law with
 5 respect to the facts.

6 5. A determination of allowance of benefits shall become final in the absence of timely
 7 appeal therefrom. The department may redetermine such allowance at any time within two years
 8 following the application year in which such allowance was made in order to recover any benefits
 9 for which recovery is provided under this section.

10 6. A redetermination of benefits may be made at any time for any of the following reasons:

11 (1) To conform to a final court decision applicable to either an initial determination or a
 12 determination of denial or allowance of benefits;

13 (2) In the event of a back pay award or settlement affecting the allowance of benefits; or

14 (3) In the case of misrepresentation or willful failure to report a material fact.

15
 16 Written notice of any such redetermination shall be promptly given by mail or delivered to such
 17 interested parties as were notified of the initial determination of denial or allowance of benefits and
 18 any new interested party or parties who, under such rule as the department may adopt, would be an
 19 interested party.

20 285.425. 1. It shall be unlawful for any person to discharge or in any other manner
 21 discriminate against an employee because the employee has made a claim for, indicated an intent to
 22 make a claim for, or received Missouri earned family and medical leave benefits.

23 2. (1) Any person who violates the provisions of subsection 1 of this section shall be liable
 24 to any employee of such person who is affected by the violation for such equitable relief as may be
 25 appropriate including employment, reinstatement, or promotion and for damages equal to the sum
 26 of:

27 (a) The amount of:

28 a. Any wages, salary, employment benefits, or other compensation denied or lost to such
 29 individual by reason of the violation; or

30 b. In a case in which wages, salary, employment benefits, or other compensation has not
 31 been denied or lost to the individual, any actual monetary losses sustained by the individual as a
 32 direct result of the violation, such as the cost of providing care, up to a sum equal to sixty calendar
 33 days of wages or salary for the individual;

34 (b) The interest on the amount described in paragraph (a) of this subdivision, such interest
 35 rate being equal to the market rate as determined by the director of the division of finance under
 36 section 408.030; and

37 (c) An additional amount as liquidated damages equal to the sum of the amount described in
 38 paragraph (a) of this subdivision and the interest described in paragraph (b) of this subdivision,
 39 except that if a person who has violated subsection 1 of this section proves to the satisfaction of the
 40 court that the act or omission was in good faith and that the person had reasonable grounds for
 41 believing that the act or omission was not a violation, such court may reduce the amount of such
 42 liquidated damages.

43 (2) The court may additionally require reasonable attorney's fees, expert witness fees, and
 44 other courts costs to be paid by a defendant.

45 3. An action to recover the relief prescribed in subsection 2 of this section may be
 46 maintained against any person in any court of competent jurisdiction by the employee affected.

47 4. The department may bring an action seeking relief on behalf of an employee under this
 48 section. The right to bring an action provided under subsection 3 of this section shall terminate
 49 upon the filing of a complaint by the department. If any damages are recovered in such action, such

1 damages shall be held in a special deposit account and paid directly to each employee affected.

2 5. An action may be brought under this section no later than three years after the date of the
3 alleged violation for which the action is brought. An action brought under this section shall be
4 considered to be commenced on the date when the complaint is filed.

5 285.430. 1. The department shall develop and implement an outreach program to ensure
6 that employees who may be eligible to receive Missouri earned family and medical leave benefits
7 under sections 285.400 to 285.440 are made aware of such benefits. Outreach information shall
8 easily explain eligibility requirements, the claims process, weekly benefit amounts, maximum
9 benefits payable, notice and medical certification requirements, reinstatement and nondiscrimination
10 rights, confidentiality, and the relationship between employment protection, leave from
11 employment, wage replacement benefits, and other laws, collective bargaining agreements, and
12 employer policies.

13 2. No later than three years after the effective date of sections 285.400 to 285.440, the state
14 auditor shall submit to the general assembly a report on the Missouri earned family and medical
15 leave benefits paid for any month during the one-year period beginning on the effective date of
16 sections 285.400 to 285.440. The report shall include the following:

17 (1) An identification of the total number of applications for such benefits filed, and the
18 average number of days between when an application is received and when a determination is made;

19 (2) An identification of the total number of requests for review of an initial adverse
20 determination of eligibility for such benefits made and the average number of days between when
21 such review is requested and when a final determination of eligibility is made; and

22 (3) An identification of the total number of monthly benefit claim reports for such benefits
23 filed and the average number of days between the date such report is received and the date on which
24 the initial determination of eligibility with respect to the claim report is made.

25 285.435. 1. (1) There is hereby created in the state treasury the "Missouri Earned Family
26 and Medical Leave Fund", which shall consist of moneys collected under this section. The state
27 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state
28 treasurer may approve disbursements. The fund shall be a dedicated fund, and moneys in the fund
29 shall be used solely by the department of labor and industrial relations for the purpose of distributing
30 Missouri earned family and medical leave program benefits.

31 (2) The state treasurer shall invest moneys in the fund in the same manner as other funds are
32 invested. Any interest and moneys earned on such investments shall be credited to the fund.

33 2. (1) In order to provide funding to implement the provisions of sections 285.400 to
34 285.440, employees shall contribute one-quarter of one percent of their average weekly pay to the
35 Missouri earned family and medical leave fund beginning January 1, 2021.

36 (2) For purposes of this section, in determining the average weekly pay of an employee, the
37 total wages of an employee shall not exceed the contribution and benefit base established by the
38 Commissioner of Social Security Administration under 42 U.S.C. Section 430.

39 (3) Notwithstanding the provisions of section 285.405 to the contrary, if there are not
40 sufficient resources in the fund, the director may, at his or her discretion, reduce the benefit amount
41 each employee is eligible to receive. If the benefit amount is reduced, each employee shall receive
42 the same percentage of his or her average weekly wage.

43 (4) No employee shall receive benefits from the fund before January 1, 2022.

44 285.440. Any rule or portion of a rule, as that term is defined in section 536.010, that is
45 created under the authority delegated in sections 285.400 to 285.435 shall become effective only if it
46 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
47 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the
48 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
49 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any

1 rule proposed or adopted after the effective date of this section shall be invalid and void.

2 Section B. This act is hereby submitted to the qualified voters of this state for approval or
3 rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday
4 next following the first Monday in November, 2020, pursuant to the laws and constitutional
5 provisions of this state for the submission of referendum measures by the general assembly, and this
6 act shall become effective when approved by a majority of the votes cast thereon at such election
7 and not otherwise."; and"; and

8
9 Further amend said bill by amending the title, enacting clause, and intersectional references
10 accordingly.

11
12 THIS AMENDS 0461H01.10H