

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Agriculture & Natural Resources.

SB25-128 be amended as follows:

1 Amend printed bill, page 3, lines 25 and 26, strike "**repeal** (1)(b) and  
2 (1)(c) as follows:" and substitute "**amend** (1)(a), (1)(b), and (1)(c) as  
3 follows:".

4 Page 3, strike line 27.

5 Page 4, strike lines 1 through 16 and substitute:

6 "**8-13.5-202. Agricultural workers - right of access to key**  
7 **service providers - rules - definition.** (1) (a) An employer shall not  
8 interfere with an agricultural worker's reasonable access to visitors at the  
9 agricultural worker's employer-provided housing, INCLUDING HOUSING  
10 USED BY RANGE WORKERS ON THE OPEN RANGE, during any time when the  
11 agricultural worker is present at such housing.

12 (b) (I) An employer shall not interfere with an agricultural  
13 worker's reasonable access to key service providers at any location OTHER  
14 THAN THE EMPLOYER'S PROPERTY during any time in which the  
15 agricultural worker is not performing compensable work or during paid  
16 or unpaid rest and meal breaks. ~~and with respect to health-care providers~~  
17 ~~during any time, whether or not the agricultural worker is working.~~

18 (II) AS USED IN THIS SECTION, "EMPLOYER'S PROPERTY" MEANS  
19 PROPERTY IN WHICH THE EMPLOYER HOLDS AN OWNERSHIP OR  
20 POSSESSORY INTEREST OR A RIGHT TO EXCLUDE.

21 (c) (I) To ensure that agricultural workers have meaningful access  
22 to services, the director of the division ~~shall promulgate~~ MAY ADOPT rules  
23 regarding additional times during which an employer may not interfere  
24 with an agricultural worker's reasonable access to key service providers  
25 AT ANY LOCATION OTHER THAN THE EMPLOYER'S PROPERTY, including  
26 periods during which the agricultural worker is performing compensable  
27 work, especially during periods when the agricultural worker is required  
28 to work in excess of forty hours per week and may have difficulty  
29 accessing such services outside of work hours. ~~The rules must be~~  
30 ~~proposed on or before October 31, 2021, and adopted on or before~~  
31 ~~January 31, 2022.~~

32 (II) THE DIVISION SHALL NOT ADOPT RULES THAT INFRINGE UPON  
33 AN EMPLOYER'S PRIVATE PROPERTY RIGHTS BY APPROPRIATING A RIGHT OF  
34 ACCESS TO THE EMPLOYER'S PRIVATE PROPERTY, OTHER THAN THOSE  
35 LOCATIONS ON A EMPLOYER'S PROPERTY FOR WHICH ACCESS IS EXPRESSLY  
36 AUTHORIZED IN THIS SECTION, TO A THIRD PARTY WITHOUT THE  
37 EMPLOYER'S PERMISSION."

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