

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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Date

March 17, 2021

Committee on Business, Labor, & Technology.

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

SB21-087 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 3, strike lines 10 through 15.
- 2 Page 4, strike lines 21 through 27.
- 3 Strike page 5.
- 4 Page 6, strike lines 1 through 11.
- 5 Page 12, after line 24 insert:
  - 6 "(8) "OCCASIONAL OR INTERMITTENT" MEANS TWENTY PERCENT
  - 7 OR LESS OF AN AGRICULTURAL EMPLOYEE'S WEEKLY WORK TIME.
  - 8 (9) "SHORT-HANDLED HOE" MEANS A HANDHELD TOOL WITH A
  - 9 FLAT BLADE AFFIXED PERPENDICULARLY TO A HANDLE THAT IS LESS THAN
  - 10 EIGHTEEN INCHES LONG. "SHORT-HANDLED HOE" INCLUDES A
  - 11 LONG-HANDLED HAND TOOL THAT HAS BEEN MODIFIED TO BE USED AS A
  - 12 SHORT-HANDLED HOE."
- 13 Renumber succeeding subsection accordingly.
- 14 Page 14, line 5, strike "FILTERED,".
- 15 Page 14, strike lines 21 through 25 and substitute:
  - 16 "(3) (a) USING A SHORT-HANDLED HOE IS PROHIBITED IN
  - 17 AGRICULTURAL EMPLOYMENT FOR WEEDING AND THINNING IN A STOOPED,

1 KNEELING, OR SQUATTING POSITION.  
2 (b) THE PERFORMANCE OF WEEDING AND THINNING BY HAND OR  
3 WITH A SHORT-HANDLED TOOL, OTHER THAN A SHORT-HANDLED HOE, IN  
4 A STOOPED, KNEELING, OR SQUATTING POSITION IS STRONGLY DISFAVORED  
5 UNLESS THERE IS NO SUITABLE LONG-HANDLED TOOL OR OTHER  
6 ALTERNATIVE MEANS OF PERFORMING THE WORK THAT IS SUITABLE AND  
7 APPROPRIATE TO BOTH THE PRODUCTION OF THE AGRICULTURAL OR  
8 HORTICULTURAL COMMODITY AND THE SCALE OF THE OPERATION.  
9 NOTHING IN THIS SUBSECTION (3) IS CONSTRUED TO ALLOW THE USE OF  
10 THE SHORT-HANDLED HOE.  
11 (c) THIS SECTION DOES NOT PROHIBIT:  
12 (I) OCCASIONAL OR INTERMITTENT HAND WEEDING OR HAND  
13 THINNING IN A STOOPED, KNEELING, OR SQUATTING POSITION THAT IS  
14 INCIDENTAL TO A NON-HAND-WEEDING OPERATION; OR  
15 (II) SEEDING, PLANTING, TRANSPLANTING, OR HARVESTING BY  
16 HAND OR WITH A HAND TOOL.  
17 (4) AN EMPLOYER SHALL PROVIDE AGRICULTURAL WORKERS  
18 ENGAGED IN HAND WEEDING AND HAND THINNING AN ADDITIONAL FIVE  
19 MINUTE REST PERIOD, WHICH, INsofar AS IS PRACTICABLE, MUST BE IN  
20 THE MIDDLE OF EACH WORK PERIOD. THE AUTHORIZED REST PERIOD MUST  
21 BE BASED ON THE TOTAL HOURS WORKED DAILY AT THE RATE OF FIFTEEN  
22 MINUTES NET REST TIME PER FOUR HOURS OF WORK, OR A MAJOR FRACTION  
23 THEREOF. THE EMPLOYER SHALL COUNT THE AUTHORIZED REST PERIOD AS  
24 HOURS WORKED AND NOT DEDUCT THE REST PERIOD FROM THE  
25 AGRICULTURAL WORKER'S WAGES.  
26 (5) AN EMPLOYER SHALL PROVIDE GLOVES AND KNEE PADS, AS  
27 NECESSARY, TO EACH AGRICULTURAL WORKER ENGAGING IN HAND  
28 WEEDING, HAND THINNING, OR HAND HOT-CAPPING."

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