

SB26-121

## HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Story

1 Amend reengrossed bill, page 2, strike line 5 and substitute "**legislative**  
2 **declaration - definitions.**".

3 Page 2, after line 5 insert:

4 "(1) **Legislative declaration.**

5 (a) THE GENERAL ASSEMBLY FINDS THAT:

6 (I) AGRICULTURAL WORKERS PERFORM ESSENTIAL LABOR THAT  
7 SUSTAINS COLORADO'S FOOD SYSTEMS AND BROADER ECONOMY YET ARE  
8 EXCLUDED FROM MANY BASIC LABOR PROTECTIONS AFFORDED TO OTHER  
9 WORKERS, INCLUDING OVERTIME PROTECTIONS;

10 (II) FEDERAL OVERTIME PROTECTIONS FOR WORKERS WERE  
11 ESTABLISHED IN THE "FAIR LABOR STANDARDS ACT OF 1938", BUT  
12 CONGRESS EXCLUDED FARM WORKERS AND DOMESTIC WORKERS FROM  
13 SUCH PROTECTIONS. COLORADO, ALONG WITH SEVERAL OTHER STATES,  
14 IMPORTED THE FEDERAL ACT'S EXCLUSION INTO ITS STATE LAW AND THAT  
15 LEGACY CONTINUES TO IMPACT COLORADO AGRICULTURAL WORKERS.

16 (III) MOST WORKERS IN COLORADO EARN OVERTIME  
17 COMPENSATION AFTER FORTY HOURS IN A WORKWEEK OR TWELVE HOURS  
18 IN A WORKDAY. THIS REFLECTS THE STATE'S LONG-STANDING POLICY THAT  
19 EXTENDED WORK HOURS SHOULD BE COMPENSATED AT A PREMIUM RATE.

20 (IV) AGRICULTURAL WORKERS, HOWEVER, RECEIVE OVERTIME  
21 PAY ONLY AFTER WORKING MORE THAN FORTY-EIGHT HOURS IN ONE WEEK,  
22 AND HIGHLY SEASONAL AGRICULTURAL WORKERS RECEIVE OVERTIME PAY  
23 ONLY AFTER WORKING MORE THAN FIFTY-SIX HOURS IN ONE WEEK.  
24 AGRICULTURAL WORKERS DO NOT RECEIVE DAILY OVERTIME PAY.

25 (V) OVERTIME PROTECTIONS ARE A FUNDAMENTAL COMPONENT  
26 OF FAIR LABOR STANDARDS AND ARE INTENDED TO:

27 (A) PREVENT OVERWORK;

28 (B) PROMOTE HEALTH AND SAFETY;

29 (C) ENSURE THAT EMPLOYEES ARE FAIRLY COMPENSATED FOR  
30 EXTENDED HOURS OF LABOR; AND

31 (D) SUPPORT THE FAMILY AND COMMUNITY RELATIONSHIPS THAT  
32 ARE THE FOUNDATION FOR A THRIVING ECONOMY;

33 (VI) EXTENDING EQUITABLE OVERTIME PAY TO AGRICULTURAL  
34 EMPLOYEES RECOGNIZES THE VALUE OF THEIR LABOR, PROMOTES  
35 ECONOMIC FAIRNESS, AND ALIGNS AGRICULTURAL EMPLOYMENT  
36 STANDARDS WITH THOSE OF OTHER INDUSTRIES; AND

37 (VII) IN SENATE BILL 21-087, ENACTED IN 2021, THE GENERAL  
38 ASSEMBLY DIRECTED THE COLORADO DEPARTMENT OF LABOR AND  
39 EMPLOYMENT TO ADOPT OVERTIME RULES FOR AGRICULTURAL WORKERS

1 THAT WOULD ADDRESS "THE INEQUITY AND RACIST ORIGINS OF THE  
2 EXCLUSION OF AGRICULTURAL EMPLOYEES FROM OVERTIME AND  
3 MAXIMUM HOURS PROTECTIONS AVAILABLE TO OTHER EMPLOYEES".  
4 DESPITE THIS DIRECTION, AGRICULTURAL WORKERS ARE STILL REQUIRED  
5 TO WORK MORE HOURS TO EARN OVERTIME THAN MOST OTHER WORKERS  
6 IN THE STATE.

7 (b) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT  
8 AGRICULTURAL EMPLOYEES ARE ENTITLED TO OVERTIME PROTECTIONS  
9 CONSISTENT WITH THOSE PROVIDED TO OTHER WORKERS AND THAT  
10 ELIMINATING OUTDATED EXCLUSIONS IS NECESSARY TO REMEDY  
11 LONGSTANDING INEQUITIES IN COLORADO LABOR LAW."

12 Renumber succeeding subsections accordingly.

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