

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Velasco

1 Amend reengrossed bill, page 3, after line 13 insert:

2 "(3) (a) IN AN ENFORCEMENT PROCEEDING BEFORE THE DIVISION
3 INVOLVING A COVERED INJURY OR ILLNESS SUSTAINED BY AN
4 AGRICULTURAL EMPLOYEE, IF THE AGRICULTURAL EMPLOYEE WORKED
5 FORTY HOURS OR MORE DURING THE WORKWEEK IN WHICH THE INJURY OR
6 ILLNESS OCCURRED OR DURING THE TWO WORKWEEKS IMMEDIATELY
7 PRECEDING THE WEEK DURING WHICH THE INJURY OR ILLNESS OCCURRED,
8 THERE IS A REBUTTABLE PRESUMPTION THAT THE EXCESSIVE HOURS WERE
9 A CONTRIBUTING CAUSE OF THE INJURY OR ILLNESS.

10 (b) AN AGRICULTURAL EMPLOYER MAY REBUT THE PRESUMPTION
11 ESTABLISHED IN SUBSECTION (3)(a) OF THIS SECTION BY PRESENTING
12 CLEAR AND CONVINCING EVIDENCE THAT THE INJURY OR ILLNESS WAS
13 ENTIRELY UNRELATED TO THE AGRICULTURAL EMPLOYEE'S FATIGUE OR
14 THE NUMBER OF HOURS WORKED.

15 (c) AN AGRICULTURAL EMPLOYER THAT FAILS TO REBUT THE
16 PRESUMPTION ESTABLISHED IN SUBSECTION (3)(a) OF THIS SECTION IS
17 SUBJECT TO ENHANCED PENALTIES OF UP TO ONE AND ONE-HALF TIMES THE
18 AMOUNT OF PENALTIES OTHERWISE APPLICABLE UNDER THIS ARTICLE 6."

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