

SB26-121

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Danielson

1 Amend the Business, Labor, and Technology Committee Report, dated
2 March 19, 2026, page 1, strike lines 1 through 12 and substitute:

3 "Amend printed bill, page 2, line 2, strike "**amend**" and substitute "**repeal**
4 **and reenact, with amendments,**".

5 Page 2 of the bill, strike line 5 and substitute "**legislative declaration -**
6 **definitions.**".

7 Page 2 of the bill, after line 5 insert:

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

9 (a) THE GENERAL ASSEMBLY FINDS THAT:

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

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

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

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

29 (V) OVERTIME PROTECTIONS ARE A FUNDAMENTAL COMPONENT
30 OF FAIR LABOR STANDARDS, INTENDED TO:

31 (A) PREVENT OVERWORK;

32 (B) PROMOTE HEALTH AND SAFETY;

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

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

1 (VI) EXTENDING EQUITABLE OVERTIME PAY TO AGRICULTURAL
2 EMPLOYEES RECOGNIZES THE VALUE OF THEIR LABOR, PROMOTES
3 ECONOMIC FAIRNESS, AND ALIGNS AGRICULTURAL EMPLOYMENT
4 STANDARDS WITH THOSE OF OTHER INDUSTRIES; AND

5 (VII) IN SENATE BILL 21-087, ENACTED IN 2021, THE GENERAL
6 ASSEMBLY DIRECTED THE COLORADO DEPARTMENT OF LABOR AND
7 EMPLOYMENT TO ADOPT OVERTIME RULES FOR AGRICULTURAL WORKERS
8 THAT WOULD ADDRESS "THE INEQUITY AND RACIST ORIGINS OF THE
9 EXCLUSION OF AGRICULTURAL EMPLOYEES FROM OVERTIME AND
10 MAXIMUM HOURS PROTECTIONS AVAILABLE TO OTHER EMPLOYEES".
11 DESPITE THIS DIRECTION, AGRICULTURAL WORKERS ARE STILL REQUIRED
12 TO WORK MORE HOURS TO EARN OVERTIME THAN MOST OTHER WORKERS
13 IN THE STATE.

14 (b) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT
15 AGRICULTURAL EMPLOYEES ARE ENTITLED TO OVERTIME PROTECTIONS
16 CONSISTENT WITH THOSE PROVIDED TO OTHER WORKERS AND THAT
17 ELIMINATING OUTDATED EXCLUSIONS IS NECESSARY TO REMEDY
18 LONGSTANDING INEQUITIES IN COLORADO LABOR LAW."

19 Page 2 of the bill, line 6, strike "(1)" and substitute "(2)".

20 Page 2 of the report, line 8, strike ""(2)" and substitute ""(3)".

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