

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 26-0800.01 Renee Leone x2695

SENATE BILL 26-121

SENATE SPONSORSHIP

Rodriguez and Simpson, Pelton B.

HOUSE SPONSORSHIP

Martinez and Winter T.,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF A THRESHOLD OF FIFTY-SIX**
102 **HOURS IN A WORKWEEK FOR WHEN AN AGRICULTURAL**
103 **EMPLOYER IS REQUIRED TO PAY OVERTIME TO AN**
104 **AGRICULTURAL EMPLOYEE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires an agricultural employer to pay an agricultural employee overtime pay for time worked in excess of 60 hours in a workweek.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
March 24, 2026

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** 8-6-120 as follows:

4 **8-6-120. Overtime wages for agricultural employees -**
5 **definitions - rules.**

6 (1) AS USED IN THIS SECTION:

7 (a) "AGRICULTURAL EMPLOYEE" HAS THE MEANING SET FORTH IN
8 SECTION 8-2-206 (1)(b).

9 (b) "AGRICULTURAL EMPLOYER" HAS THE MEANING SET FORTH IN
10 SECTION 8-3-104 (1).

11 (c) "DECISION-MAKING MANAGER" MEANS AN INDIVIDUAL
12 PRIMARILY ENGAGED IN AGRICULTURAL WORK WHO:

13 (I) IS PAID AT LEAST THE MINIMUM SALARY THRESHOLD FOR
14 CERTAIN EXEMPTIONS CONTAINED IN THE PROVISIONS CONCERNING
15 AGRICULTURAL WORKERS IN THE DIRECTOR'S RULES RELATED TO
16 COLORADO OVERTIME AND MINIMUM PAY STANDARDS;

17 (II) IS NOT EMPLOYED ON A SEASONAL OR TEMPORARY BASIS; AND

18 (III) HAS PRIMARY DUTIES THAT REQUIRE THE ROUTINE EXERCISE
19 OF INDEPENDENT JUDGMENT AND DISCRETION IN MATTERS OF
20 SIGNIFICANCE AND WHO EITHER:

21 (A) SUPERVISES TWO OR MORE FULL-TIME EMPLOYEES, OR

22 (B) REPORTS DIRECTLY TO AN OWNER OR TO AN EXECUTIVE-LEVEL
23 EMPLOYEE WHO REPORTS DIRECTLY TO AN OWNER WHO ROUTINELY
24 EXERCISES INDEPENDENT JUDGMENT AND DISCRETION IN MATTERS OF
25 SIGNIFICANCE IN MANUAL OR IN NONMANUAL LABOR.

26 (d) "FAMILY MEMBER" MEANS A CHILD, SIBLING, SPOUSE, PARENT,

1 AUNT, UNCLE, NEPHEW, NIECE, FIRST COUSIN, GRANDCHILD, OR
2 GRANDPARENT BY BLOOD, ADOPTION, OR MARRIAGE.

3 (2) BEGINNING JANUARY 1, 2027, AN AGRICULTURAL EMPLOYER
4 SHALL PAY AN AGRICULTURAL EMPLOYEE AT AN OVERTIME RATE FOR ANY
5 TIME WORKED IN EXCESS OF FIFTY-SIX HOURS IN A WORKWEEK, EXCEPT
6 FOR AN AGRICULTURAL EMPLOYEE WHO IS:

7 (a) PRINCIPALLY ENGAGED IN THE RANGE PRODUCTION OF
8 LIVESTOCK ON THE OPEN RANGE, AS DESCRIBED IN 29 CFR 780.323 TO
9 780.329;

10 (b) A DECISION-MAKING MANAGER WHO IS EMPLOYED BY AN
11 AGRICULTURAL EMPLOYER; OR

12 (c) A FAMILY MEMBER OF A FAMILY OWNER OF AN AGRICULTURAL
13 EMPLOYER.

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15 **SECTION 2. Applicability.** This act applies to time worked and
16 contracts entered into or renewed on or after the effective date of this act.

17 **SECTION 3. Safety clause.** The general assembly finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety or for appropriations for
20 the support and maintenance of the departments of the state and state
21 institutions.