

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 19, 2026
Date

Committee on Business, Labor, & Technology.

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

SB26-121 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, after line 5 insert:

2 ~~"The director shall promulgate rules providing meaningful~~
3 ~~overtime and maximum hours protections to agricultural employees to be~~
4 ~~proposed no later than October 31, 2021, and adopted no later than~~
5 ~~January 31, 2022. In promulgating such rules, the director shall consider~~
6 ~~the inequity and racist origins of the exclusion of agricultural employees~~
7 ~~from overtime and maximum hours protections available to other~~
8 ~~employees, the fundamental right of all employees to overtime and~~
9 ~~maximum hours standards that protect the health and welfare of~~
10 ~~employees, and the unique difficulties agricultural employees have~~
11 ~~obtaining workplace conditions equal to those provided to other~~
12 ~~employees."~~

13 Page 2, after line 10 insert:

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

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

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

21 (III) HAS PRIMARY DUTIES THAT REQUIRE THE ROUTINE EXERCISE
22 OF INDEPENDENT JUDGMENT AND DISCRETION IN MATTERS OF
23 SIGNIFICANCE AND WHO EITHER:

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

25 (B) REPORTS DIRECTLY TO AN OWNER OR TO AN EXECUTIVE-LEVEL

1 EMPLOYEE WHO REPORTS DIRECTLY TO AN OWNER WHO ROUTINELY
2 EXERCISES INDEPENDENT JUDGMENT AND DISCRETION IN MATTERS OF
3 SIGNIFICANCE IN MANUAL OR IN NONMANUAL LABOR.

4 (d) "FAMILY MEMBER" MEANS A CHILD, SIBLING, SPOUSE, PARENT,
5 AUNT, UNCLE, NEPHEW, NIECE, FIRST COUSIN, GRANDCHILD, OR
6 GRANDPARENT BY BLOOD, ADOPTION, OR MARRIAGE."

7 Page 2, strike line 11 and substitute:

8 "(2) BEGINNING JANUARY 1, 2027, AN AGRICULTURAL EMPLOYER
9 SHALL PAY AN".

10 Page 2, line 15, strike "(I)" and substitute "(a)".

11 Page 2, line 18, strike "(II)" and substitute "(b)".

12 Page 2, strike lines 19 through 23 and substitute "AGRICULTURAL
13 EMPLOYER; OR".

14 Page 2, line 24, strike "(III)" and substitute "(c)".

15 Page 2, strike lines 26 and 27.

16 Page 3, strike lines 1 through 12.

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