

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.

SB21-087 be amended as follows:

1 Amend printed bill, page 12, after line 24 insert:

2 "(8) "OCCASIONAL OR INTERMITTENT" MEANS TWENTY PERCENT
3 OR LESS OF AN AGRICULTURAL EMPLOYEE'S WEEKLY WORK TIME.

4 (9) "SHORT-HANDLED HOE" MEANS A HANDHELD TOOL WITH A
5 FLAT BLADE AFFIXED PERPENDICULARLY TO A HANDLE THAT IS LESS THAN
6 EIGHTEEN INCHES LONG. "SHORT-HANDLED HOE" INCLUDES A
7 LONG-HANDLED HAND TOOL THAT HAS BEEN MODIFIED TO BE USED AS A
8 SHORT-HANDLED HOE."

9 Renumber succeeding subsection accordingly.

10 Page 14, strike lines 21 through 25 and substitute:

11 "(3) (a) USING A SHORT-HANDLED HOE IS PROHIBITED IN
12 AGRICULTURAL EMPLOYMENT FOR WEEDING AND THINNING IN A STOOPED,
13 KNEELING, OR SQUATTING POSITION.

14 (b) THE PERFORMANCE OF WEEDING AND THINNING BY HAND OR
15 WITH A SHORT-HANDLED TOOL, OTHER THAN A SHORT-HANDLED HOE, IN
16 A STOOPED, KNEELING, OR SQUATTING POSITION IS STRONGLY DISFAVORED
17 UNLESS THERE IS NO SUITABLE LONG-HANDLED TOOL OR OTHER
18 ALTERNATIVE MEANS OF PERFORMING THE WORK THAT IS SUITABLE AND
19 APPROPRIATE TO BOTH THE PRODUCTION OF THE AGRICULTURAL OR
20 HORTICULTURAL COMMODITY AND THE SCALE OF THE OPERATION.
21 NOTHING IN THIS SUBSECTION (3) IS CONSTRUED TO ALLOW THE USE OF
22 THE SHORT-HANDLED HOE.

23 (c) THIS SECTION DOES NOT PROHIBIT:

24 (I) OCCASIONAL OR INTERMITTENT HAND WEEDING OR HAND
25 THINNING IN A STOOPED, KNEELING, OR SQUATTING POSITION THAT IS
26 INCIDENTAL TO A NON-HAND-WEEDING OPERATION; OR

27 (II) SEEDING, PLANTING, TRANSPLANTING, OR HARVESTING BY
28 HAND OR WITH A HAND TOOL.

29 (4) AN EMPLOYER SHALL PROVIDE AGRICULTURAL WORKERS
30 ENGAGED IN HAND WEEDING AND HAND THINNING AN ADDITIONAL FIVE
31 MINUTE REST PERIOD, WHICH, IN SO FAR AS IS PRACTICABLE, MUST BE IN
32 THE MIDDLE OF EACH WORK PERIOD. THE AUTHORIZED REST PERIOD MUST
33 BE BASED ON THE TOTAL HOURS WORKED DAILY AT THE RATE OF FIFTEEN
34 MINUTES NET REST TIME PER FOUR HOURS OF WORK, OR A MAJOR FRACTION
35 THEREOF. THE EMPLOYER SHALL COUNT THE AUTHORIZED REST PERIOD AS
36 HOURS WORKED AND NOT DEDUCT THE REST PERIOD FROM THE
37 AGRICULTURAL WORKER'S WAGES.

38 (5) AN EMPLOYER SHALL PROVIDE GLOVES AND KNEE PADS, AS
39 NECESSARY, TO EACH AGRICULTURAL WORKER ENGAGING IN HAND
40 WEEDING, HAND THINNING, OR HAND HOT-CAPPING."

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