

Requested by Representative SALINAS

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2358**

1 In line 19 of the printed bill, delete “40” and insert “50”.

2 In line 20, delete “40” and insert “50”.

3 In line 23, delete “40” and insert “50”.

4 In line 25, delete “40” and insert “50”.

5 After line 29, insert:

6 **“SECTION 2.** Section 1 of this 2021 Act is amended to read:

7 **“Sec. 1.** (1) As used in this section:

8 “(a) ‘Agricultural worker’ means an individual who performs services in  
9 agriculture for an employer in exchange for an agreed remuneration or rate  
10 of pay.

11 “(b) ‘Agriculture’ includes:

12 “(A) Farming in all its branches, including the cultivation and tillage of  
13 the soil;

14 “(B) Dairying;

15 “(C) The production, cultivation, growing and harvesting of any agricul-  
16 tural or horticultural commodities;

17 “(D) The raising of livestock, bees, fur-bearing animals or poultry; and

18 “(E) Any other practices performed by a farmer or on a farm as an inci-  
19 dent to or in conjunction with farming operations, including preparation for  
20 market, delivery to storage or to market, or delivery to carriers for trans-  
21 portation to market.

1 “(c) ‘Workweek’ means a fixed period of time established by an employer  
2 that reflects a regularly recurring period of 168 hours or seven consecutive  
3 24-hour periods.

4 “(2) Except as provided in subsection (3) of this section, an employer may  
5 not permit or require an agricultural worker to work more than [50] **45** hours  
6 in any workweek.

7 “(3) An employer may permit or require an agricultural worker to work  
8 more than [50] **45** hours in one workweek if the employer compensates the  
9 worker as follows:

10 “(a) One and one-half times the worker’s regular rate of pay for each hour  
11 the worker works over [50] **45** hours in one workweek; or

12 “(b) One and one-half times the regular price for all work done on a  
13 piece-rate basis during each overtime hour the worker works over [50] **45**  
14 hours in one workweek.

15 “(4)(a) For the purpose of determining a workweek, a workweek may be-  
16 gin on any day of the week and at any hour of the day and need not coincide  
17 with a calendar week.

18 “(b) The beginning of the workweek may be changed if the change is in-  
19 tended to be permanent and is not designed to evade overtime requirements.

20 **“SECTION 3.** Section 1 of this 2021 Act, as amended by section 2 of this  
21 2021 Act, is amended to read:

22 **“Sec. 1.** (1) As used in this section:

23 “(a) ‘Agricultural worker’ means an individual who performs services in  
24 agriculture for an employer in exchange for an agreed remuneration or rate  
25 of pay.

26 “(b) ‘Agriculture’ includes:

27 “(A) Farming in all its branches, including the cultivation and tillage of  
28 the soil;

29 “(B) Dairying;

30 “(C) The production, cultivation, growing and harvesting of any agricul-

1 tural or horticultural commodities;

2 “(D) The raising of livestock, bees, fur-bearing animals or poultry; and

3 “(E) Any other practices performed by a farmer or on a farm as an inci-  
4 dent to or in conjunction with farming operations, including preparation for  
5 market, delivery to storage or to market, or delivery to carriers for trans-  
6 portation to market.

7 “(c) ‘Workweek’ means a fixed period of time established by an employer  
8 that reflects a regularly recurring period of 168 hours or seven consecutive  
9 24-hour periods.

10 “(2) Except as provided in subsection (3) of this section, an employer may  
11 not permit or require an agricultural worker to work more than [45] 40 hours  
12 in any workweek.

13 “(3) An employer may permit or require an agricultural worker to work  
14 more than [45] 40 hours in one workweek if the employer compensates the  
15 worker as follows:

16 “(a) One and one-half times the worker’s regular rate of pay for each hour  
17 the worker works over [45] 40 hours in one workweek; or

18 “(b) One and one-half times the regular price for all work done on a  
19 piece-rate basis during each overtime hour the worker works over [45] 40  
20 hours in one workweek.

21 “(4)(a) For the purpose of determining a workweek, a workweek may be-  
22 gin on any day of the week and at any hour of the day and need not coincide  
23 with a calendar week.

24 “(b) The beginning of the workweek may be changed if the change is in-  
25 tended to be permanent and is not designed to evade overtime requirements.

26 **“SECTION 4. (1) The amendments to section 1 of this 2021 Act by  
27 section 2 of this 2021 Act become operative on January 1, 2023.**

28 **“(2) The amendments to section 1 of this 2021 Act by section 3 of  
29 this 2021 Act become operative on January 1, 2024.”.**

30