

ASSEMBLY BILL NO. 87—ASSEMBLYMEN GIUNCHIGLIANI, PERKINS, BUCKLEY, PIERCE, ARBERRY JR., ANDERSON, ATKINSON, CARPENTER, CLABORN, CONKLIN, DENIS, GERHARDT, GOICOECHEA, GRADY, HOGAN, HORNE, KIRKPATRICK, KOIVISTO, LESLIE, MANENDO, MARVEL, MCCLAIN, MCCLEARY, MORTENSON, MUNFORD, OCEGUERA, OHRENSCHALL, PARKS, PARNELL, SEALE, SHERER, SIBLEY AND SMITH

FEBRUARY 18, 2005

JOINT SPONSORS: SENATORS TITUS, WIENER, COFFIN, CARLTON, AMODEI, CARE, HORSFORD, LEE, MATHEWS AND SCHNEIDER

Referred to Committee on Commerce and Labor

SUMMARY—Establishes statutory minimum wage for employees in this State. (BDR 53-1110)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

~

EXPLANATION – Matter in **bolded italics** is new; matter between brackets **[omitted material]** is material to be omitted.

AN ACT relating to employment; establishing a statutory minimum wage for certain employees in this State; providing for the adjustment of the minimum wage; requiring the submission to the voters of a question regarding the minimum wage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires the Labor Commissioner to establish by regulation the
- 2 minimum wage that a private employer must pay an employee and to increase the
- 3 minimum wage in accordance with the federal minimum wage, unless he
- 4 determines the increase is contrary to public interest. (NRS 608.250) The current
- 5 minimum wage set by the Labor Commissioner is \$5.15 per hour for an employee
- 6 who is 18 years of age or older and \$4.38 per hour for an employee who is under 18



7 years of age. (NAC 608.110) In 2004, an initiative petition entitled "Raise the
8 Minimum Wage for Working Nevadans" was filed with the Secretary of State and
9 was submitted to and approved by the voters in the 2004 general election. This
10 petition proposed various changes to the minimum wage laws in this State and will
11 be submitted to voters for second approval in 2006.

12 This bill establishes by statute the minimum wage for employees who are 18
13 years of age or older in this State at \$6.40 per hour or the amount established by
14 federal law, whichever is greater. This bill requires the Labor Commissioner to
15 establish by regulation the minimum wage which may be paid to employees in
16 private employment within the State who are under 18 years of age. This bill
17 further provides that at the general election on November 7, 2006, a question must
18 be submitted to the voters of this State regarding the minimum wage.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 608.250 is hereby amended to read as follows:

2 608.250 1. Except as otherwise provided in this section, the
3 *minimum wage which may be paid to employees in private*
4 *employment within the State who are 18 years of age or older is*
5 *\$6.40 per hour or the amount established by federal law,*
6 *whichever is greater.*

7 2. *The* Labor Commissioner shall, in accordance with federal
8 law, establish by regulation the minimum wage which may be paid
9 to employees in private employment within the State ~~18~~ *who are*
10 *under 18 years of age.* The Labor Commissioner shall prescribe
11 increases in ~~the~~ *that* minimum wage in accordance with those
12 prescribed by federal law, unless he determines that those increases
13 are contrary to the public interest.

14 ~~12-1~~ 3. The provisions of ~~subsection~~ *subsections 1 and 2* do
15 not apply to:

16 (a) Casual babysitters.

17 (b) Domestic service employees who reside in the household
18 where they work.

19 (c) Outside salespersons whose earnings are based on
20 commissions.

21 (d) Employees engaged in an agricultural pursuit for an
22 employer who did not use more than 500 man-days of agricultural
23 labor in any calendar quarter of the preceding calendar year.

24 (e) Taxicab and limousine drivers.

25 (f) Severely handicapped persons whose disabilities have
26 diminished their productive capacity in a specific job and who are
27 specified in certificates issued by the Rehabilitation Division of the
28 Department of Employment, Training and Rehabilitation.

29 ~~13-1~~ 4. It is unlawful for any person to employ, cause to be
30 employed or permit to be employed, or to contract with, cause to be



1 contracted with or permit to be contracted with, any person for a
2 wage less than that ~~established by the Labor Commissioner~~
3 *required to be paid to the person* pursuant to the provisions of this
4 section.

5 **Sec. 2.** NRS 608.260 is hereby amended to read as follows:

6 608.260 If any employer pays any employee a lesser amount
7 than the minimum wage ~~prescribed by regulation of the Labor~~
8 ~~Commissioner~~ *required to be paid to the employee* pursuant to the
9 provisions of NRS 608.250, the employee may, at any time within 2
10 years, bring a civil action to recover the difference between the
11 amount paid to the employee and the amount of ~~the~~ *that* minimum
12 wage. A contract between the employer and the employee or any
13 acceptance of a lesser wage by the employee is not a bar to the
14 action.

15 **Sec. 3.** At the General Election on November 7, 2006, a
16 question must be submitted to the registered voters of this State in
17 substantially the following form:

18
19 Shall the minimum wage which may be paid to employees in
20 private employment within the State who are 18 years of age
21 or older be established by statute at \$6.40 per hour or the
22 amount established by federal law, whichever is greater,
23 subject to certain statutory exceptions?

24 **Sec. 4.** 1. This section and section 3 of this act become
25 effective on October 1, 2005.

26 2. Sections 1 and 2 of this act become effective on October 1,
27 2006.

28 3. Sections 1 and 2 of this act expire by limitation on
29 December 1, 2006:

30 (a) Unless the voters, at the General Election on November 7,
31 2006, approve the question submitted pursuant to section 3 of this
32 act; or

33 (b) If the voters, at the General Election on November 7, 2006,
34 approve the question amending the Nevada Constitution to raise the
35 minimum wage paid to employees that was presented in the
36 initiative petition entitled "Raise the Minimum Wage for Working
37 Nevadans."



