

Amendment No. 924

Senate Amendment to Assembly Bill No. 87 First Reprint

(BDR 53-1110)

Proposed by: Committee on Commerce and Labor**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by deleting sections 1 through 5 and the text of the repealed section and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

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

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

2. *The* Labor Commissioner shall, in accordance with federal law, establish by regulation the minimum wage which may be paid to employees in private employment within the State ~~[-]~~ *who are under 18 years of age.* The Labor Commissioner shall prescribe increases in ~~[the]~~ *that* minimum

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Date: 5/24/2005

A.B. No. 87—Establishes statutory minimum wage for employees in this State.



wage in accordance with those prescribed by federal law, unless he determines that those increases are contrary to the public interest.

~~{2-}~~ **3.** The provisions of ~~{subsection}~~ **subsections 1 and 2** do not apply to:

- (a) Casual babysitters.
- (b) Domestic service employees who reside in the household where they work.
- (c) Outside salespersons whose earnings are based on commissions.
- (d) Employees engaged in an agricultural pursuit for an employer who did not use more than 500 man-days of agricultural labor in any calendar quarter of the preceding calendar year.
- (e) Taxicab and limousine drivers.
- (f) Severely handicapped persons whose disabilities have diminished their productive capacity in a specific job and who are specified in certificates issued by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation.

~~{3-}~~ **4.** It is unlawful for any person to employ, cause to be employed or permit to be employed, or to contract with, cause to be contracted with or permit to be contracted with, any person for a wage less than that ~~{established by the Labor Commissioner}~~ **required to be paid to the person** pursuant to the provisions of this section.

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

608.260 If any employer pays any employee a lesser amount than the minimum wage ~~{prescribed by regulation of the Labor Commissioner}~~ **required to be paid to the employee** pursuant to the provisions of NRS 608.250, the employee may, at any time within 2 years, bring a civil action to recover the difference between the amount paid to the employee and the amount of ~~{the}~~ **that**

minimum wage. A contract between the employer and the employee or any acceptance of a lesser wage by the employee is not a bar to the action.

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

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

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

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

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

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

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

Amend the title of the bill to read as follows:

"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.".

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Existing law requires the Labor Commissioner to establish by regulation the minimum wage that a private employer must pay an employee and to increase the minimum wage in accordance with the federal minimum wage, unless he determines the increase is contrary to public interest. (NRS 608.250) The current minimum wage set by the Labor Commissioner is \$5.15 per hour for an employee who is 18 years of age or older and \$4.38 per hour for an employee who is under 18 years of age. (NAC 608.110) In 2004, an initiative petition entitled "Raise the Minimum Wage for Working Nevadans" was filed with the Secretary of State and was submitted to and approved by the voters in the 2004 general election. This petition proposed various changes to the minimum wage laws in this State and will be submitted to voters for second approval in 2006.

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