

Amendment No. 540

Assembly Amendment to Assembly Bill No. 175 (BDR 53-866)

Proposed by: Assembly Committee on Commerce and Labor

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

CBC/BJF



Date: 4/22/2017

A.B. No. 175—Requires certain increases in the minimum wage paid to employees in private employment in this State. (BDR 53-866)



ASSEMBLY BILL NO. 175—ASSEMBLYMEN MCCURDY II, FLORES, CARRILLO, BROOKS,
DIAZ; JOINER AND MONROE-MORENO

PREFILED FEBRUARY 13, 2017

Referred to Committee on Commerce and Labor

SUMMARY—~~[Requires]~~ Prescribes certain ~~[increases in]~~ requirements for health benefits for the purpose of determining the minimum wage paid to employees in private employment in this State. (BDR 53-866)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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

AN ACT relating to employment; ~~[requiring]~~ prescribing certain ~~[increases in]~~ requirements for health benefits for the purpose of determining the minimum wage paid to employees in private employment in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the Labor Commissioner, in accordance with federal law, to establish by regulation the minimum wage that may be paid per hour to an employee in private employment in this State. (NRS 608.250).]~~ Section 16 of article 15 of the Nevada Constitution requires each employer in this State to pay a certain minimum wage to each employee of the employer. Under this provision of the Nevada Constitution, if an employer offers health benefits to an employee and his or her dependents, the minimum wage required to be paid to the employee is lower than the minimum wage otherwise required to be paid to the employee. (Nev. Const. Art. 15, § 16) This bill ~~[requires the Labor Commissioner, in adopting those regulations, to ensure that the minimum wage for the employee is increased by at least \$1.25 each year until the minimum wage: (1) is \$15 or more, if the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner; and (2) is \$14 or more, if the employer of the employee offers health insurance for the employee in accordance with regulations adopted by the Labor Commissioner.]~~ establishes the minimum level of health benefits that an employer must make available to an employee and his or her dependents for the purpose of determining whether the employer is authorized to pay the lower minimum wage to the employee.

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[In adopting the regulations establishing]*~~ *For the purpose of determining the minimum wage that may be paid per hour to an employee in private employment pursuant to Section 16 of Article 15 of the Nevada Constitution and NRS 608.250, the Labor Commissioner shall ensure that the minimum wage for each employee to whom those regulations apply is increased by at least \$1.25 each year until the minimum wage that may be paid per hour pursuant to NRS 608.250 is:*

~~*1. If the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner, \$15 or more; and*~~

~~*2. If the employer of the employee offers health insurance for the employee in accordance with regulations adopted by the Labor Commissioner, \$14 or more;*~~ *an employer provides health benefits as described in Section 16 of Article 15 of the Nevada Constitution only if the employer makes available to the employee and the employee's dependents health benefits that:*

1. Comply with the essential health benefits requirements set forth in 42 U.S.C. § 18022(a)(1) and (2), as those provisions exist on the effective date of this act, and provide a level of coverage that is described in 42 U.S.C. § 18022(d), as that provision exists on the effective date of this act; or

2. Provide health benefits pursuant to a Taft-Hartley trust which is formed pursuant to 29 U.S.C. § 186(c)(5) and qualifies as an employee welfare benefits plan pursuant to:

(a) The Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.; or

(b) The provisions of the Internal Revenue Code.

Sec. 2. This act becomes effective upon passage and approval.