
ASSEMBLY BILL NO. 356—ASSEMBLYWOMAN GIUNCHIGLIANI

MARCH 17, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Revises various provisions relating to establishment of living wage and certain benefits for certain employees in private employment. (BDR 53-682)

FISCAL NOTE: Effect on Local Government: Yes.
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 labor; increasing the minimum wage that must be paid to certain employees in private employment; requiring annual adjustment by the Labor Commissioner of the minimum wage under certain circumstances; requiring the Department of Employment, Training and Rehabilitation to perform certain calculations with respect to the cost of living for working families within the State; revising provisions relating to the eligibility of certain new and expanded businesses for certain tax abatements; imposing certain requirements relating to the provision of family health care to the employees and dependents of certain larger grocery stores; providing a penalty; and providing other matters properly relating thereto.

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 ~~{Labor Commissioner shall, in accordance with federal law,~~
4 ~~establish by regulation the}~~ minimum wage which ~~{may}~~ *must* be
5 paid to employees in private employment within the State ~~{ }~~ *is*:
6 *(a) For employees who are 18 years of age or older, a base*
7 *amount of \$6.15 per hour, plus any increase prescribed by the*
8 *Labor Commissioner pursuant to subsection 2.*



1 (b) For employees who are under 18 years of age, a base
2 amount of \$5.38 per hour, plus any increase prescribed by the
3 Labor Commissioner pursuant to subsection 2.

4 For the purposes of determining the total minimum wage required
5 to be paid pursuant to this subsection, any increases prescribed by
6 the Labor Commissioner pursuant to subsection 2 on July 1, 2004,
7 and each July 1 thereafter must be added cumulatively to the base
8 amounts set forth in this subsection.

9 2. The Labor Commissioner shall , on July 1, 2004, and each
10 July 1 thereafter, prescribe by regulation increases in the minimum
11 wage in accordance with ~~those prescribed by federal law, unless he~~
12 ~~determines that those increases are contrary to the public interest.~~
13 ~~—2.]~~ and equal to the percentage increase, if any, in the
14 Consumer Price Index (All Items) for the year ending on
15 December 31 immediately preceding the fiscal year for which the
16 increase is calculated.

17 3. The provisions of subsection 1 do not apply to:

18 (a) Casual babysitters.

19 (b) Domestic service employees who reside in the household
20 where they work.

21 (c) Outside salespersons whose earnings are based on
22 commissions.

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

26 (e) Taxicab and limousine drivers.

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

31 ~~3.]~~ 4. It is unlawful for any person to employ, cause to be
32 employed or permit to be employed, or to contract with, cause to be
33 contracted with or permit to be contracted with, any person for a
34 wage less than that ~~established by the Labor Commissioner~~
35 ~~pursuant to the provisions of]~~ provided in this section.

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

37 608.260 If any employer pays any employee a lesser amount
38 than the minimum wage prescribed ~~by regulation of the Labor~~
39 ~~Commissioner]~~ pursuant to the provisions of NRS 608.250, the
40 employee may, at any time within 2 years, bring a civil action to
41 recover the difference between the amount paid to the employee and
42 the amount of the minimum wage. A contract between the employer
43 and the employee or any acceptance of a lesser wage by the
44 employee is not a bar to the action.



1 **Sec. 3.** Chapter 232 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *For the purpose of determining the cost of living for*
4 *working families within this state, the Department shall, on or*
5 *before January 31 of each year, calculate budgets for five separate*
6 *types of family units:*

- 7 (a) *A household consisting of a single person;*
- 8 (b) *A household consisting of one parent and one child;*
- 9 (c) *A household consisting of one parent and two children;*
- 10 (d) *A household consisting of two parents and one child; and*
- 11 (e) *A household consisting of two parents and two children.*

12 2. *For the purpose of determining the efficacy of tax*
13 *incentives and other incentives with respect to the creation of jobs*
14 *within this state that pay livable wages, as determined pursuant to*
15 *subsection 4, the Department shall, on or before January 31 of*
16 *each year:*

17 (a) *Identify each business, company or corporation that has*
18 *received an incentive, including, without limitation, a tax*
19 *abatement, to relocate within this state or to expand its operations*
20 *within this state; and*

21 (b) *Calculate the number of jobs created within this state by*
22 *each of the businesses, companies and corporations that received*
23 *the incentives described in paragraph (a). The calculations*
24 *required pursuant to this paragraph must include or be*
25 *accompanied by an assessment of:*

26 (1) *The average wage of nonmanagerial employees paid by*
27 *the applicable business, company or corporation that received the*
28 *incentive;*

29 (2) *The health care benefits offered to nonmanagerial*
30 *employees by the applicable business, company or corporation that*
31 *received the incentive; and*

32 (3) *The particular type of incentive and amount of incentive*
33 *received by the applicable business, company or corporation.*

34 3. *The budgets calculated pursuant to subsection 1 must*
35 *measure living expenses in the following areas:*

- 36 (a) *Food;*
- 37 (b) *Housing and utilities;*
- 38 (c) *Health care;*
- 39 (d) *Transportation;*
- 40 (e) *Child care;*
- 41 (f) *Miscellaneous expenses, including, without limitation,*
42 *expenses for cleaning products, clothing and personal spending;*
- 43 (g) *Savings and investment; and*
- 44 (h) *Taxes, including, without limitation, federal, sales and*
45 *payroll taxes.*



1 **4. The Department shall, on or before May 31 of each year:**
2 **(a) Using the budgets calculated pursuant to subsection 1,**
3 **determine an estimated livable wage for each of the types of family**
4 **units described in that subsection; and**

5 **(b) Identify the percentage of jobs within this state that pay the**
6 **estimated livable wages determined pursuant to paragraph (a).**

7 **5. The Department shall, by regulation, set forth its**
8 **assumptions and methodology with respect to the calculations and**
9 **determinations required pursuant to this section.**

10 **Sec. 4.** NRS 232.900 is hereby amended to read as follows:

11 232.900 As used in NRS 232.900 to 232.960, inclusive, **and**
12 **section 3 of this act**, unless the context otherwise requires:

13 1. "Department" means the Department of Employment,
14 Training and Rehabilitation.

15 2. "Director" means the Director of the Department.

16 **Sec. 5.** NRS 360.750 is hereby amended to read as follows:

17 360.750 1. A person who intends to locate or expand a
18 business in this state may apply to the Commission on Economic
19 Development for a partial abatement of one or more of the taxes
20 imposed on the new or expanded business pursuant to chapter 361,
21 364A or 374 of NRS.

22 2. The Commission on Economic Development shall approve
23 an application for a partial abatement if the Commission makes the
24 following determinations:

25 (a) The business is consistent with:

26 (1) The State Plan for Industrial Development and
27 Diversification that is developed by the Commission pursuant to
28 NRS 231.067; and

29 (2) Any guidelines adopted pursuant to the State Plan.

30 (b) The applicant has executed an agreement with the
31 Commission which states that the business will, after the date on
32 which a certificate of eligibility for the abatement is issued pursuant
33 to subsection ~~[5.]~~ 6, continue in operation in this state for a period
34 specified by the Commission, which must be at least 5 years, and
35 will continue to meet the eligibility requirements set forth in this
36 subsection. The agreement must bind the successors in interest of
37 the business for the specified period.

38 (c) The business is registered pursuant to the laws of this state or
39 the applicant commits to obtain a valid business license and all other
40 permits required by the county, city or town in which the business
41 operates.

42 (d) Except as otherwise provided in NRS 361.0687, if the
43 business is a new business in a county whose population is 100,000
44 or more or a city whose population is 60,000 or more, the business
45 meets ~~[at least two of]~~ the following requirements:



1 (1) ~~[The business will have 75 or more full-time employees~~
2 ~~on the payroll of the business by the fourth quarter that it is in~~
3 ~~operation.~~

4 ~~— (2) Establishing the business will require the business to~~
5 ~~make a capital investment of at least \$1,000,000 in this state.~~

6 ~~— (3)]~~ The average hourly wage that will be paid by the new
7 business to its employees in this state is at least 100 percent of the
8 average statewide hourly wage as established by the Employment
9 Security Division of the Department of Employment, Training and
10 Rehabilitation on July 1 of each fiscal year and:

11 (I) The business will provide a health insurance plan for
12 all employees that includes an option for health insurance coverage
13 for dependents of the employees; and

14 (II) The cost to the business for the benefits the business
15 provides to its employees in this state will meet the minimum
16 requirements for benefits established by the Commission by
17 regulation pursuant to subsection ~~[9.] 10; and~~

18 *(2) The business will have 75 or more full-time employees*
19 *on the payroll of the business by the fourth quarter that it is in*
20 *operation, or establishing the business will require the business to*
21 *make a capital investment of at least \$1,000,000 in this state.*

22 (e) Except as otherwise provided in NRS 361.0687, if the
23 business is a new business in a county whose population is less than
24 100,000 or a city whose population is less than 60,000, the business
25 meets ~~[at least two of]~~ the following requirements:

26 (1) ~~[The business will have 25 or more full-time employees~~
27 ~~on the payroll of the business by the fourth quarter that it is in~~
28 ~~operation.~~

29 ~~— (2) Establishing the business will require the business to~~
30 ~~make a capital investment of at least \$250,000 in this state.~~

31 ~~— (3)]~~ The average hourly wage that will be paid by the new
32 business to its employees in this state is at least 100 percent of the
33 average statewide hourly wage as established by the Employment
34 Security Division of the Department of Employment, Training and
35 Rehabilitation on July 1 of each fiscal year and:

36 (I) The business will provide a health insurance plan for
37 all employees that includes an option for health insurance coverage
38 for dependents of the employees; and

39 (II) The cost to the business for the benefits the business
40 provides to its employees in this state will meet the minimum
41 requirements for benefits established by the Commission by
42 regulation pursuant to subsection ~~[9.] 10; and~~

43 *(2) The business will have 25 or more full-time employees*
44 *on the payroll of the business by the fourth quarter that it is in*



1 *operation, or establishing the business will require the business to*
2 *make a capital investment of at least \$250,000 in this state.*

3 (f) If the business is an existing business, the business meets ~~at~~
4 ~~least two of~~ the following requirements:

5 (1) ~~The business will increase the number of employees on~~
6 ~~its payroll by 10 percent more than it employed in the immediately~~
7 ~~preceding fiscal year or by six employees, whichever is greater.~~

8 ~~(2) The business will expand by making a capital investment~~
9 ~~in this state in an amount equal to at least 20 percent of the value of~~
10 ~~the tangible property possessed by the business in the immediately~~
11 ~~preceding fiscal year. The determination of the value of the tangible~~
12 ~~property possessed by the business in the immediately preceding~~
13 ~~fiscal year must be made by the:~~

14 ~~(I) County assessor of the county in which the business~~
15 ~~will expand, if the business is locally assessed; or~~

16 ~~(II) Department, if the business is centrally assessed.~~

17 ~~(3) The average hourly wage that will be paid by the~~
18 ~~existing business to its new employees in this state is at least 100~~
19 ~~percent of the average statewide hourly wage as established by the~~
20 ~~Employment Security Division of the Department of Employment,~~
21 ~~Training and Rehabilitation on July 1 of each fiscal year and:~~

22 (I) The business will provide a health insurance plan for
23 all new employees that includes an option for health insurance
24 coverage for dependents of the employees; and

25 (II) The cost to the business for the benefits the business
26 provides to its new employees in this state will meet the minimum
27 requirements for benefits established by the Commission by
28 regulation pursuant to subsection ~~9~~:

29 ~~3. 10; and~~

30 (2) *The business will:*

31 (I) *Increase the number of employees on its payroll by*
32 *10 percent more than it employed in the immediately preceding*
33 *fiscal year or by six employees, whichever is greater; or*

34 (II) *Expand by making a capital investment in this state*
35 *in an amount equal to at least 20 percent of the value of the*
36 *tangible property possessed by the business in the immediately*
37 *preceding fiscal year. The determination of the value of the*
38 *tangible property possessed by the business in the immediately*
39 *preceding fiscal year must be made by the county assessor of the*
40 *county in which the business will expand, if the business is locally*
41 *assessed, or must be made by the Department, if the business is*
42 *centrally assessed.*

43 3. *For the purposes of determining, pursuant to paragraphs*
44 *(d), (e) and (f) of subsection 2, whether a business will pay an*
45 *average hourly wage that is at least 100 percent of the average*



1 *statewide hourly wage as established by the Employment Security*
2 *Division of the Department of Employment, Training and*
3 *Rehabilitation, the wages to be paid to that portion of the projected*
4 *workforce of the business who will constitute the most highly*
5 *compensated 20 percent of employees of that business must not be*
6 *considered.*

7 4. Notwithstanding the provisions of subsection 2, the
8 Commission on Economic Development may:

9 (a) Approve an application for a partial abatement by a business
10 that does not meet the requirements set forth in paragraph (d), (e) or
11 (f) of subsection 2;

12 (b) Make the requirements set forth in paragraph (d), (e) or (f) of
13 subsection 2 more stringent; or

14 (c) Add additional requirements that a business must meet to
15 qualify for a partial abatement,
16 if the Commission determines that such action is necessary.

17 ~~4.~~ 5. If a person submits an application to the Commission on
18 Economic Development pursuant to subsection 1, the Commission
19 shall provide notice to the governing body of the county and the city
20 or town, if any, in which the person intends to locate or expand a
21 business. The notice required pursuant to this subsection must set
22 forth the date, time and location of the hearing at which the
23 Commission will consider the application.

24 ~~5.~~ 6. If the Commission on Economic Development approves
25 an application for a partial abatement, the Commission shall
26 immediately forward a certificate of eligibility for the abatement to:

27 (a) The Department;

28 (b) The Nevada Tax Commission; and

29 (c) If the partial abatement is from the property tax imposed
30 pursuant to chapter 361 of NRS, the county treasurer.

31 ~~6.~~ 7. An applicant for a partial abatement pursuant to this
32 section or an existing business whose partial abatement is in effect
33 shall, upon the request of the Executive Director of the Commission
34 on Economic Development, furnish the Executive Director with
35 copies of all records necessary to verify that the applicant meets the
36 requirements of subsection 2.

37 ~~7.~~ 8. If a business whose partial abatement has been approved
38 pursuant to this section and is in effect ceases:

39 (a) To meet the requirements set forth in subsection 2; or

40 (b) Operation before the time specified in the agreement
41 described in paragraph (b) of subsection 2,

42 the business shall repay to the Department or, if the partial
43 abatement was from the property tax imposed pursuant to chapter
44 361 of NRS, to the county treasurer, the amount of the exemption
45 that was allowed pursuant to this section before the failure of the



1 business to comply unless the Nevada Tax Commission determines
2 that the business has substantially complied with the requirements of
3 this section. Except as otherwise provided in NRS 360.232 and
4 360.320, the business shall, in addition to the amount of the
5 exemption required to be paid pursuant to this subsection, pay
6 interest on the amount due at the rate most recently established
7 pursuant to NRS 99.040 for each month, or portion thereof, from the
8 last day of the month following the period for which the payment
9 would have been made had the partial abatement not been approved
10 until the date of payment of the tax.

11 ~~8.9.~~ **9.** A county treasurer:

12 (a) Shall deposit any money that he receives pursuant to
13 subsection ~~7.8~~ **8** in one or more of the funds established by a local
14 government of the county pursuant to NRS 354.6113 or 354.6115;
15 and

16 (b) May use the money deposited pursuant to paragraph (a) only
17 for the purposes authorized by NRS 354.6113 and 354.6115.

18 ~~9.10.~~ **10.** The Commission on Economic Development:

19 (a) Shall adopt regulations relating to:

20 (1) The minimum level of benefits that a business must
21 provide to its employees if the business is going to use benefits paid
22 to employees as a basis to qualify for a partial abatement; and

23 (2) The notice that must be provided pursuant to subsection

24 ~~4.5.~~ **5.**

25 (b) May adopt such other regulations as the Commission on
26 Economic Development determines to be necessary to carry out the
27 provisions of this section.

28 ~~10.11.~~ **11.** The Nevada Tax Commission:

29 (a) Shall adopt regulations regarding:

30 (1) The capital investment that a new business must make to
31 meet the requirement set forth in paragraph (d) or (e) of subsection
32 2; and

33 (2) Any security that a business is required to post to qualify
34 for a partial abatement pursuant to this section.

35 (b) May adopt such other regulations as the Nevada Tax
36 Commission determines to be necessary to carry out the provisions
37 of this section.

38 ~~11.12.~~ **12.** An applicant for an abatement who is aggrieved by a
39 final decision of the Commission on Economic Development may
40 petition for judicial review in the manner provided in chapter 233B
41 of NRS.

42 **Sec. 6.** Chapter 446 of NRS is hereby amended by adding
43 thereto the provisions set forth as sections 7 and 8 of this act.

44 **Sec. 7.** *The Legislature hereby finds and declares that:*



1 1. *It is vital to public health to ensure that workers who*
2 *handle food for retail sale are not afflicted with contagious*
3 *illnesses. However, the resources available to state and local*
4 *agencies and officers who regulate health are insufficient to*
5 *ensure that those workers do not work during such times as they*
6 *may be afflicted with contagious illnesses. Furthermore, the larger*
7 *the store or business in which workers handle food for retail sale,*
8 *the more difficult it is for state and local agencies and officers who*
9 *regulate health to ensure that workers who handle food for retail*
10 *sale are healthy. Thus, it is the sense of the Legislature on this*
11 *matter that preventing contagious illness among such workers is*
12 *more efficacious than efforts related to inspection.*

13 2. *Most retailers of food prevent the problems described in*
14 *subsection 1 by providing their employees and the families of their*
15 *employees with full medical benefits and paid sick leave. However,*
16 *a small number of retailers of food do not provide such benefits,*
17 *resulting in a concomitant ability of those retailers to sell food at a*
18 *lower price which, in turn, exerts pressure on the retailers of food*
19 *who do provide such benefits to cease providing those benefits in*
20 *an effort to remain competitive with respect to the price at which*
21 *they are able to sell food. As a result, workers who handle food for*
22 *retail sale and are not afforded such benefits or lose such benefits*
23 *may, through contracting contagious illnesses, impose a burden*
24 *upon charitable institutions and programs of health that are*
25 *financed publicly.*

26 3. *The selling of food at retail can be a profitable business*
27 *and it is therefore unfair that certain retailers of food, through a*
28 *policy of not providing their employees and the families of their*
29 *employees with full medical benefits and paid sick leave, shift the*
30 *burden of paying for such health care to charitable institutions*
31 *and programs of health that are supported by the contributions of*
32 *taxpayers.*

33 4. *It is a common practice for governmental agencies to*
34 *condition the granting of permits or contracts to businesses on the*
35 *basis of such businesses indemnifying the agency or providing*
36 *proof of insurance, or both. The Legislature further finds that a*
37 *similar approach is warranted with respect to the granting of*
38 *health permits to large grocery stores.*

39 5. *This section and section 8 of this act do not require a*
40 *retailer of food to establish a health plan or to modify an existing*
41 *health plan, because the responsibilities of such a retailer*
42 *pursuant to those provisions may be met instead from the general*
43 *assets of the retailer.*



1 **Sec. 8. 1.** *As a condition to receiving or renewing a valid*
2 *permit issued by the health authority, as required by NRS 446.870,*
3 *a food establishment that is a large grocery store must:*
4 (a) *Indemnify all potentially affected governmental agencies*
5 *for any significant expense incurred by those agencies in*
6 *providing family health care; and*
7 (b) *Provide to the health authority proof of the indemnification*
8 *required pursuant to paragraph (a).*
9 2. *The proof required to be provided pursuant to paragraph*
10 *(b) of subsection 1 may be presented in one of the following forms:*
11 (a) *Evidence that the large grocery store has established a*
12 *benefits plan that provides for family health care;*
13 (b) *Evidence that the large grocery store is signatory to a*
14 *collective bargaining agreement that provides for family health*
15 *care;*
16 (c) *Documentary proof from each employee of the large*
17 *grocery store, demonstrating that the store provides insurance for*
18 *family health care; or*
19 (d) *A written commitment from the large grocery store to*
20 *provide the indemnification required pursuant to paragraph (a) of*
21 *subsection 1, accompanied by proof of assets deemed sufficient by*
22 *the Attorney General to cover any significant expense incurred by*
23 *governmental agencies in providing family health care.*
24 3. *It is unlawful for any person to:*
25 (a) *Deprive or threaten to deprive an employee of his*
26 *employment;*
27 (b) *Take or threaten to take any reprisal or retaliatory action*
28 *against the employee; or*
29 (c) *Directly or indirectly intimidate, threaten, coerce,*
30 *command or influence or attempt to intimidate, threaten, coerce,*
31 *command or influence the employee,*
32 *in an attempt to prevent the employee from receiving family health*
33 *care pursuant to this section or in an attempt to penalize or punish*
34 *the employee for receiving family health care pursuant to this*
35 *section.*
36 4. *In addition to the acts prohibited pursuant to subsection 3,*
37 *it is unlawful for any person to reduce or otherwise alter the*
38 *working hours of an employee for the sole purpose of preventing*
39 *that employee from receiving family health care pursuant to this*
40 *section.*
41 5. *A person who violates the provisions of subsection 3 or 4 is*
42 *guilty of a misdemeanor.*
43 6. *Any person, governmental agency or organization may*
44 *commence an action in any district court in this state to enforce*
45 *the provisions of this section not less than 1 year after the date of*



1 *the occurrence or termination of an alleged violation of any of*
2 *those provisions. If the court determines that any of the provisions*
3 *of this section have been violated by the defendant and that the*
4 *plaintiff or the person represented by the plaintiff has been injured*
5 *thereby, the court may enjoin the defendant from continued*
6 *violation or may take such other affirmative action as may be*
7 *appropriate and, in the case of a prevailing plaintiff, may award to*
8 *the plaintiff actual damages, punitive damages, court costs and a*
9 *reasonable attorney's fee.*

10 7. *If a food establishment claims that it does not employ a*
11 *sufficient number of food handlers to be classified as a large*
12 *grocery store, the health authority may, in order to verify or refute*
13 *the claim, inspect such records of the food establishment as the*
14 *health authority determines necessary.*

15 8. *As used in this section:*

16 (a) *"Employee" means an employee of a large grocery store.*
17 *The term does not include a person who:*

18 (1) *Has been employed by a large grocery store for fewer*
19 *than 4 months; or*

20 (2) *Is employed by a large grocery store for fewer than an*
21 *average of 80 hours in any calendar month.*

22 (b) *"Family health care" means, at a minimum, an annual*
23 *physical examination, treatment for potentially contagious*
24 *illnesses and care for the other medical needs of each employee,*
25 *the spouse of the employee and each dependent living in the same*
26 *household as the employee. The term does not include any medical*
27 *procedure or treatment which is solely optional or solely cosmetic.*

28 (c) *"Governmental agency" means an agency of federal, state*
29 *or local government.*

30 (d) *"Large grocery store" means a food establishment,*
31 *including, without limitation, a subcontractor, tenant or subtenant*
32 *of a food establishment, that:*

33 (1) *Sells food primarily for off-site consumption; and*

34 (2) *Employs, in any 1 calendar week, or is likely to employ,*
35 *in any 1 calendar year, more than 20 food handlers.*

36 (e) *"Reprisal or retaliatory action" includes:*

37 (1) *The denial of adequate personnel to perform duties;*

38 (2) *Frequent replacement of members of the staff;*

39 (3) *Frequent and undesirable changes in the location of an*
40 *office;*

41 (4) *The refusal to assign meaningful work;*

42 (5) *The issuance of letters of reprimand or evaluations of*
43 *poor performance;*

44 (6) *A demotion;*

45 (7) *A reduction in pay;*



- 1 (8) *The denial of a promotion;*
- 2 (9) *A suspension;*
- 3 (10) *A dismissal;*
- 4 (11) *A transfer; or*
- 5 (12) *Frequent changes in working hours or workdays.*
- 6 (f) *“Significant expense” means any costs in excess of \$500*
- 7 *that a governmental agency incurs in any 1 calendar year to pay*
- 8 *for health care for the employees of any one large grocery store,*
- 9 *their spouses or other dependents.*

10 **Sec. 9.** NRS 446.875 is hereby amended to read as follows:

11 446.875 1. Any person desiring to operate a food

12 establishment must make written application for a permit on forms

13 provided by the health authority. The application must include:

- 14 (a) The applicant’s full name and post office address.
- 15 (b) A statement whether the applicant is a natural person, firm or
- 16 corporation, and, if a partnership, the names of the partners, together
- 17 with their addresses.
- 18 (c) A statement of the location and type of the proposed food
- 19 establishment.
- 20 (d) The signature of the applicant or applicants.

21 (e) *If the food establishment is a large grocery store, the proof*

22 *of indemnification required pursuant to subsections 1 and 2 of*

23 *section 8 of this act.*

24 2. An application for a permit to operate a temporary food

25 establishment must also include the inclusive dates of the proposed

26 operation.

27 3. Upon receipt of such an application, the health authority

28 shall make an inspection of the food establishment to determine

29 compliance with the provisions of this chapter. When inspection

30 reveals that the applicable requirements of this chapter have been

31 met, the health authority shall issue a permit to the applicant.

32 4. A permit to operate a temporary food establishment may be

33 issued for a period not to exceed 14 days.

34 5. A permit issued pursuant to this section:

- 35 (a) Is not transferable from person to person or from place to
- 36 place.
- 37 (b) Must be posted in every food establishment.

38 **Sec. 10.** The administrative regulation adopted by the Labor

39 Commissioner which is codified as NAC 608.110 is hereby declared

40 void. In preparing the supplements to the Nevada Administrative

41 Code on or after July 1, 2003, the Legislative Counsel shall remove

42 that regulation.

43 **Sec. 11.** 1. This section and sections 6 to 9, inclusive, of this

44 act become effective upon passage and approval.



1 2. Sections 1 to 5, inclusive, and 10 of this act become
2 effective on July 1, 2003.

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