

Amendment No. 489

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| Assembly Amendment to Assembly Bill No. 69 | (BDR 53-956) |
| Proposed by: Committee on Commerce and Labor | |
| Amendment Box: Replaces Amendment No. 172. | |
| 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 |
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| Adopted <input type="checkbox"/> Lost <input type="checkbox"/> | _____ | Adopted <input type="checkbox"/> Lost <input type="checkbox"/> | _____ |
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Amend section 1, page 2, line 5, by deleting “*each*” and inserting “*an*”.

Amend section 1, page 2, by deleting lines 5 through 7 and inserting:

“employee in a bargaining unit who is not a member of that labor organization to pay a service fee to the labor organization for any services that the labor organization provides to the employee upon the request of that employee.”.

Amend section 1, page 2, by deleting lines 9 through 15 and inserting:

“represent the reasonable costs incurred by the labor organization for any services that the labor organization provides to the employee upon the request of that employee. The service fee must not include any fee for contributions relating to the election or”.

Amend the title of the bill to read as follows:

BJE

Date: 4/25/2005

A.B. No. 69—Authorizes employer to enter into fair share agreement with labor organization.

“AN ACT relating to employment practices; authorizing an employer to enter into a fair share agreement with a labor organization which requires an employee who is not a member of the labor organization and who requests and receives services from the labor organization to pay to the labor organization a service fee which represents the reasonable costs incurred by the labor organization in providing those services; 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 prohibits an employer from requiring a person to be a member of a labor organization as a condition to obtaining or retaining employment. (NRS 613.250) The Nevada Supreme Court has held that Nevada's "right to work" law (NRS 613.230-613.300) also prohibits an agreement which requires an employee who is not a member of a labor organization to pay certain fees to the labor organization as a condition of employment because such an agreement has the effect of excluding persons from employment on the basis of nonmembership in a labor organization. (*Independent Guard Ass'n, Local No. 1 v. Wackenhut Servs., Inc.*, 90 Nev. 198 (1974)) The Nevada Supreme Court has further held, however, that imposing fees on nonunion members for representation in grievance matters is a valid statutory requirement. (*Cone v. Nevada Serv. Employees Union/SEIU local 1107*, 116 Nev. 473 (2000))

This bill, in effect, codifies the decision of the Nevada Supreme Court in *Cone v. Nevada Serv. Employees Union/SEIU Local 1107*, by authorizing an employer and a labor organization to enter into an agreement which requires an employee in a bargaining unit who is not a member of that labor organization to pay a service fee to the labor organization for any services that the labor organization provides to the employee upon the request of that employee. The service fee must represent the reasonable costs incurred by the labor organization for the services that the labor organization provides to the employee upon the request of that employee. This bill also provides that the service

fee must not include any fee related to elections or political support or opposition of a candidate or ballot question.