

SENATE BILL NO. 353—SENATOR HUTCHISON

MARCH 18, 2013

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to governmental administration. (BDR 23-851)

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 governmental administration; requiring the negotiation of certain collective bargaining agreements to occur in a public meeting; requiring certain state and local governmental entities to hold a public hearing before entering into certain contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes a city, county, school district or other local government
2 employer to enter into a collective bargaining agreement with the recognized
3 employee organization for each bargaining unit among its employees. (NRS
4 288.060, 288.150) Existing law also exempts certain proceedings and negotiations
5 occurring between a local government employer and an employee organization
6 from provisions requiring certain meetings to be open and public. (NRS 288.220)
7 **Section 1** of this bill requires the negotiation of any collective bargaining
8 agreement for which the estimated cost to the local government employer is
9 \$100,000 or more to occur in a public meeting. **Sections 3-5** of this bill require a
10 local government, the Administrator of the Purchasing Division of the Department
11 of Administration or the State Public Works Division of the Department to hold an
12 open and public hearing before entering into certain contracts for which the
13 estimated cost is \$100,000 or more.



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

Section 1. Chapter 288 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 9 and notwithstanding the provisions of any collective bargaining agreement, any meeting between one or more representatives of a local government employer and a recognized employee organization to negotiate a collective bargaining agreement for which the estimated cost to the local government employer is \$100,000 or more must be open and public, and all persons must be allowed to attend such a meeting. The officers and employees of the local government employer and the recognized employee organization who are responsible for the meeting shall make reasonable efforts to assist and accommodate persons with physical disabilities who wish to attend the meeting.

2. Written notice of any meeting described in subsection 1 must be given at least 3 working days before the meeting. The notice must be prepared jointly by the local government employer and the recognized employee organization and must include:

(a) The time and location of the meeting;

(b) A list of the locations where the notice has been posted; and

(c) An agenda consisting of, without limitation:

(1) A brief statement of the general purpose of the collective bargaining agreement and the estimated cost of the obligation to be assumed by the local government employer; and

(2) A period devoted to comments by the general public and discussion of those comments.

3. The local government employer shall:

(a) Post a copy of the notice required by subsection 2 at the principal office of the local government employer or, if there is no principal office, at the building in which the meeting is to be held, and in not fewer than three other separate, prominent places within the jurisdiction of the local government employer not later than 9 a.m. of the third working day before the meeting; and

(b) Provide a copy of the notice to any person who has requested notice of any meeting described in subsection 1. A request for notice lapses 6 months after it is made. The local government employer shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The copy of the notice provided pursuant to this paragraph must be:



1 (1) *Delivered to the postal service used by the local*
2 *government employer not later than 9 a.m. of the third working*
3 *day before the meeting for transmittal to the requester by regular*
4 *mail; or*

5 (2) *If feasible for the local government employer and the*
6 *requester has agreed to receive the copy of the notice by electronic*
7 *mail pursuant to subsection 7, transmitted to the requester by*
8 *electronic mail sent not later than 9 a.m. of the third working day*
9 *before the meeting.*

10 4. *If a local government employer maintains an Internet*
11 *website, the local government employer shall post notice of any*
12 *meeting described in subsection 1 on the website unless the local*
13 *government employer is unable to do so because of technical*
14 *problems relating to the operation or maintenance of the website.*
15 *Notice posted pursuant to this subsection is supplemental to and*
16 *not a substitute for the notice required by subsections 2 and 3. The*
17 *inability of a local government employer to post notice of a*
18 *meeting pursuant to this subsection because of technical problems*
19 *with the website is not a violation of this subsection.*

20 5. *At least 5 working days before any meeting described in*
21 *subsection 1, the local government employer and the recognized*
22 *employee organization shall exchange any written proposals and*
23 *supporting material to be presented at the meeting.*

24 6. *Upon any request, a local government employer shall*
25 *provide, at no charge to the requester, any written proposals and*
26 *supporting material described in subsection 5 to be presented at*
27 *the meeting.*

28 7. *A local government employer:*

29 (a) *Shall make at least one copy of the documents described in*
30 *subsection 5 available to the public at the meeting to which the*
31 *documents pertain.*

32 (b) *May provide by electronic mail the notice of the meeting*
33 *and documents required by this section. If the local government*
34 *employer makes the notice and documents available by electronic*
35 *mail, it shall inquire of a person who requests the notice or*
36 *documents whether the person will accept receipt by electronic*
37 *mail. The inability of a local government employer, because of*
38 *technical problems with its electronic mail system, to provide the*
39 *notice and documents required by this section to a person who has*
40 *agreed to receive them by electronic mail is not a violation of this*
41 *section.*

42 8. *The local government employer and the recognized*
43 *employee organization shall each pay one-half of any costs*
44 *incurred in complying with the provisions of this section. The*
45 *local government employer may advance any portion of those*



1 *costs and recover from the recognized employee organization its*
2 *share of the costs.*

3 *9. The provisions of this section do not apply to any*
4 *arbitration conducted pursuant to NRS 288.215 or 288.217, except*
5 *that the provisions of this section do apply to any negotiations*
6 *conducted pursuant to subsection 8 of NRS 288.215 or subsection*
7 *6 of NRS 288.217.*

8 *10. Any collective bargaining agreement or tentative*
9 *agreement reached between the local government employer and*
10 *the recognized employee organization at a meeting described in*
11 *subsection 1 is void if notice of the meeting is not given or any part*
12 *of the meeting is not open to the public as required by this section,*
13 *unless the local government employer can demonstrate that the*
14 *failure of the local government employer to comply with the*
15 *provisions of this section was based on a reasonable belief that*
16 *the provisions of this section were not applicable.*

17 **Sec. 2.** NRS 288.220 is hereby amended to read as follows:

18 288.220 The following proceedings, required by or pursuant to
19 this chapter, are not subject to any provision of NRS which requires
20 a meeting to be open or public:

21 1. ~~Any~~ *Except as otherwise provided in section 1 of this act,*
22 *any* negotiation or informal discussion between a local government
23 employer and an employee organization or employees as
24 individuals, whether conducted by the governing body or through a
25 representative or representatives.

26 2. Any meeting of a mediator with either party or both parties
27 to a negotiation.

28 3. Any meeting or investigation conducted by a fact finder.

29 4. Any meeting of the governing body of a local government
30 employer with its management representative or representatives.

31 5. Deliberations of the Board toward a decision on a complaint,
32 appeal or petition for declaratory relief.

33 **Sec. 3.** Chapter 332 of NRS is hereby amended by adding
34 thereto a new section to read as follows:

35 *Before a local government may enter into any contract subject*
36 *to the provisions of this chapter for which the estimated cost to the*
37 *local government is \$100,000 or more, the local government shall*
38 *hold a hearing concerning the contract conducted in accordance*
39 *with the provisions of chapter 241 of NRS. If a local government*
40 *enters into a contract subject to the provisions of this section*
41 *without holding the hearing required by this section, the contract*
42 *is void unless the local government can demonstrate that its*
43 *failure to hold the hearing was based on a reasonable belief that*
44 *the provisions of this section were not applicable.*



1 **Sec. 4.** Chapter 333 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *Before the Administrator may enter into any contract subject to*
4 *the provisions of this chapter for which the estimated value is*
5 *\$100,000 or more, the Administrator shall hold a hearing*
6 *concerning the contract conducted in accordance with the*
7 *provisions of chapter 241 of NRS. If the Administrator enters into*
8 *a contract subject to the provisions of this section without holding*
9 *the hearing required by this section, the contract is void unless the*
10 *Administrator can demonstrate that his or her failure to hold the*
11 *hearing was based on a reasonable belief that the provisions of*
12 *this section were not applicable.*

13 **Sec. 5.** Chapter 338 of NRS is hereby amended by adding
14 thereto a new section to read as follows:

15 *Before the Division or a public body may enter into any*
16 *contract subject to the provisions of this chapter for which the*
17 *estimated value is \$100,000 or more, the Division or public body*
18 *shall hold a hearing concerning the contract conducted in*
19 *accordance with the provisions of chapter 241 of NRS. If the*
20 *Division or public body enters into a contract subject to the*
21 *provisions of this section without holding the hearing required by*
22 *this section, the contract is void unless the Division or public body*
23 *can demonstrate that the failure to hold the hearing was based on*
24 *a reasonable belief that the provisions of this section were not*
25 *applicable.*

