

Amendment No. 156

Senate Amendment to Senate Bill No. 158

(BDR 23-704)

Proposed by: Senate Committee on Government Affairs**Amends:** Summary: No Title: No 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"/>	_____

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.

DPR/EGO



Date: 4/1/2015

S.B. No. 158—Revises provisions relating to collective bargaining by local governments. (BDR 23-704)



SENATE BILL NO. 158—COMMITTEE ON GOVERNMENT AFFAIRS

FEBRUARY 16, 2015

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to collective bargaining by local governments. (BDR 23-704)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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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 local governments; requiring the governing body of a local government to make certain information available to the public before the governing body meets to approve a collective bargaining agreement or similar agreement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

If a local government employer is a party to a collective bargaining agreement or similar agreement, existing law requires that the agreement be approved at a public hearing by the governing body of the local government employer. (NRS 288.153) **Section 1** of this bill requires that a copy of the proposed agreement and certain supporting material relating to the agreement be made available to the public not less than ~~10~~ ***3 business*** days before the hearing, either by posting the documents on the Internet website of the local government or, if the local government does not have such a website, by depositing the documents with the clerk of the governing body. Any document so deposited is a public record and must be open for public inspection.

Existing law provides for the public dissemination of any supporting material provided to a public body in connection with a meeting of the body, and establishes the time within which such material must be made available to the public. (NRS 241.020) **Section 2** of this bill revises those provisions to conform with the requirements of **section 1**.

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

Section 1. NRS 288.153 is hereby amended to read as follows:

288.153 ***1.*** Any new, extended or modified collective bargaining agreement or similar agreement between a local government employer and an employee organization must be approved by the governing body of the local government employer at a public hearing. ~~The~~

2. ~~Not less than 10~~ ***3 business*** days before the date of the hearing, the governing body shall cause the following documents to be posted and made available for downloading on the Internet website of the local government or, if

1 *the local government does not have such a website, deposited with the clerk of the*
2 *governing body:*

3 *(a) The proposed agreement and any exhibits or other attachments to the*
4 *proposed agreement;*

5 *(b) If the proposed agreement is a modification of a previous agreement, a*
6 *document showing any language added to or deleted from the previous*
7 *agreement; and*

8 *(c) Any supporting material prepared for the governing body and relating to*
9 *the fiscal impact of the agreement.*

10 *3. Any document deposited with the clerk of the governing body pursuant to*
11 *subsection 2 is a public record and must be open for public inspection pursuant*
12 *to NRS 239.010.*

13 *4. At the hearing, the* chief executive officer of the local government shall
14 *report to the governing body of the* local government the fiscal impact of the
15 agreement.

16 **Sec. 2.** NRS 241.020 is hereby amended to read as follows:

17 241.020 1. Except as otherwise provided by specific statute, all meetings of
18 public bodies must be open and public, and all persons must be permitted to attend
19 any meeting of these public bodies. A meeting that is closed pursuant to a specific
20 statute may only be closed to the extent specified in the statute allowing the
21 meeting to be closed. All other portions of the meeting must be open and public,
22 and the public body must comply with all other provisions of this chapter to the
23 extent not specifically precluded by the specific statute. Public officers and
24 employees responsible for these meetings shall make reasonable efforts to assist
25 and accommodate persons with physical disabilities desiring to attend.

26 2. Except in an emergency, written notice of all meetings must be given at
27 least 3 working days before the meeting. The notice must include:

28 (a) The time, place and location of the meeting.

29 (b) A list of the locations where the notice has been posted.

30 (c) The name and contact information for the person designated by the public
31 body from whom a member of the public may request the supporting material for
32 the meeting described in subsection 5 and a list of the locations where the
33 supporting material is available to the public.

34 (d) An agenda consisting of:

35 (1) A clear and complete statement of the topics scheduled to be
36 considered during the meeting.

37 (2) A list describing the items on which action may be taken and clearly
38 denoting that action may be taken on those items by placing the term “for possible
39 action” next to the appropriate item or, if the item is placed on the agenda pursuant
40 to NRS 241.0365, by placing the term “for possible corrective action” next to the
41 appropriate item.

42 (3) Periods devoted to comments by the general public, if any, and
43 discussion of those comments. Comments by the general public must be taken:

44 (I) At the beginning of the meeting before any items on which action
45 may be taken are heard by the public body and again before the adjournment of the
46 meeting; or

47 (II) After each item on the agenda on which action may be taken is
48 discussed by the public body, but before the public body takes action on the item.

49 ➤ The provisions of this subparagraph do not prohibit a public body from taking
50 comments by the general public in addition to what is required pursuant to sub-
51 subparagraph (I) or (II). Regardless of whether a public body takes comments from
52 the general public pursuant to sub-subparagraph (I) or (II), the public body must
53 allow the general public to comment on any matter that is not specifically included

1 on the agenda as an action item at some time before adjournment of the meeting.
2 No action may be taken upon a matter raised during a period devoted to comments
3 by the general public until the matter itself has been specifically included on an
4 agenda as an item upon which action may be taken pursuant to subparagraph (2).

5 (4) If any portion of the meeting will be closed to consider the character,
6 alleged misconduct or professional competence of a person, the name of the person
7 whose character, alleged misconduct or professional competence will be
8 considered.

9 (5) If, during any portion of the meeting, the public body will consider
10 whether to take administrative action against a person, the name of the person
11 against whom administrative action may be taken.

12 (6) Notification that:

13 (I) Items on the agenda may be taken out of order;

14 (II) The public body may combine two or more agenda items for
15 consideration; and

16 (III) The public body may remove an item from the agenda or delay
17 discussion relating to an item on the agenda at any time.

18 (7) Any restrictions on comments by the general public. Any such
19 restrictions must be reasonable and may restrict the time, place and manner of the
20 comments, but may not restrict comments based upon viewpoint.

21 3. Minimum public notice is:

22 (a) Posting a copy of the notice at the principal office of the public body or, if
23 there is no principal office, at the building in which the meeting is to be held, and at
24 not less than three other separate, prominent places within the jurisdiction of the
25 public body not later than 9 a.m. of the third working day before the meeting;

26 (b) Posting the notice on the official website of the State pursuant to NRS
27 232.2175 not later than 9 a.m. of the third working day before the meeting is to be
28 held, unless the public body is unable to do so because of technical problems
29 relating to the operation or maintenance of the official website of the State; and

30 (c) Providing a copy of the notice to any person who has requested notice of
31 the meetings of the public body. A request for notice lapses 6 months after it is
32 made. The public body shall inform the requester of this fact by enclosure with,
33 notation upon or text included within the first notice sent. The notice must be:

34 (1) Delivered to the postal service used by the public body not later than 9
35 a.m. of the third working day before the meeting for transmittal to the requester by
36 regular mail; or

37 (2) If feasible for the public body and the requester has agreed to receive
38 the public notice by electronic mail, transmitted to the requester by electronic mail
39 sent not later than 9 a.m. of the third working day before the meeting.

40 4. If a public body maintains a website on the Internet or its successor, the
41 public body shall post notice of each of its meetings on its website unless the public
42 body is unable to do so because of technical problems relating to the operation or
43 maintenance of its website. Notice posted pursuant to this subsection is
44 supplemental to and is not a substitute for the minimum public notice required
45 pursuant to subsection 3. The inability of a public body to post notice of a meeting
46 pursuant to this subsection as a result of technical problems with its website shall
47 not be deemed to be a violation of the provisions of this chapter.

48 5. Upon any request, a public body shall provide, at no charge, at least one
49 copy of:

50 (a) An agenda for a public meeting;

51 (b) A proposed ordinance or regulation which will be discussed at the public
52 meeting; and

(c) Subject to the provisions of subsection 6 or 7, as applicable, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➤ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

6. ~~1A~~ *Unless it must be made available at an earlier time pursuant to NRS 288.153,* a copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➤ If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. ~~1B~~ *Unless the supporting material must be posted at an earlier time pursuant to NRS 288.153,* the governing body of a county or city whose population is 45,000 or more shall post the supporting material described in paragraph (c) of subsection 5 to its website not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting. Such posting is supplemental to the right of the public to request the supporting material pursuant to subsection 5. The inability of the governing body, as a result of technical problems with its website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.

8. A public body may provide the public notice, information or supporting material required by this section by electronic mail. Except as otherwise provided in this subsection, if a public body makes such notice, information or supporting material available by electronic mail, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept receipt by electronic mail. If a public body is required to post the public notice, information or supporting material on its website pursuant to this section, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept by electronic mail a link to the posting on the website when the documents are made available. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or supporting material or a link to a website required by this section to a person who has agreed to receive such notice, information, supporting material or link by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

9. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

- 1 (b) Any impairment of the health and safety of the public.
- 2 **Sec. 3.** This act becomes effective on July 1, 2015.