

Amendment No. 1026

Assembly Amendment to Assembly Bill No. 290 (BDR 23-35)

Proposed by: Assembly Committee on Government Affairs

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

Adoption of this amendment will REMOVE all appropriations from A.B. 290.

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.

JWP



Date: 5/31/2017

A.B. No. 290—Makes various changes relating to collective bargaining.

(BDR 23-35)



ASSEMBLY BILL NO. 290—ASSEMBLYMEN WHEELER,
KRAMER, HAMBRICK; AND ELLISON

MARCH 14, 2017

Referred to Committee on Government Affairs

SUMMARY—Makes ~~various~~ certain changes relating to collective bargaining.
(BDR 23-35)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Contains Appropriation not included in
Executive Budget.

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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 collective bargaining by local governments; ~~authorizing the Local Government Employee Management Relations Board to appoint a Deputy Commissioner; revising the period during which a new, extended or modified collective bargaining agreement or similar agreement must be posted and made available before a public hearing; requiring the chief executive officer of a local government to report to the governing body of the local government whether a proposed collective bargaining agreement or similar agreement is financially sustainable; revising the process of fact finding and arbitration after an impasse in bargaining; revising provisions relating to the budgeted ending fund balance of the general fund of a local government; making an appropriation; revising certain provisions relating to employee leave; and providing other matters properly relating thereto.~~

Legislative Counsel's Digest:

~~1 The Local Government Employee Management Relations Board administers the provisions governing labor relations between local government employers and employee organizations. (NRS 288.080, 288.110) The Board is authorized by existing law to appoint a Commissioner, who serves in the unclassified service of the State. (NRS 288.090) Section 4 of this bill additionally authorizes the Board to appoint a Deputy Commissioner, and section 10 of this bill makes an appropriation for that purpose.~~

~~Existing law provides that any new, extended or modified collective bargaining agreement or similar agreement between a local government employer and an employee organization must be approved at a public hearing by the governing body of the local government. Not less than 2 business days before the date of the hearing, the governing body must cause the proposed agreement and certain related documents to be posted and made available for downloading on the Internet website of the local government or, if the local government does not have such a website, deposited with the clerk of the governing body. At the hearing, the chief executive officer of the local government must report on the fiscal impact of the proposed agreement. (NRS 288.153) Section 5 of this bill requires that the proposed agreement and other documents be posted and made available not less than 21~~

business days before the hearing. Sections 1 and 5 of this bill require the chief executive officer to report on whether the proposed agreement is financially sustainable, meaning that the local government employer has the financial ability to pay compensation or monetary benefits in a given amount during the term of the agreement or for 2 years, whichever is longer, giving consideration to reserved money, nonrecurring revenue or a potential loss of revenue and certain other criteria.

— If an impasse is reached in collective bargaining negotiations, existing law establishes a process of fact finding and arbitration. Existing law requires a fact finder to make a determination of the financial ability of the local government to grant monetary benefits. After the fact finder makes his or her report, the governing body of the local government employer must meet to consider the fiscal impact of the fact finder's findings and recommendations, based upon a report from the chief executive officer of the local government. (NRS 288.200) Section 6 of this bill requires that the fact finder make a determination of the amount of compensation and monetary benefits that is financially sustainable for the local government employer, and that the chief executive officer and governing body also report on and consider whether the fact finder's findings and recommendations are financially sustainable. Sections 7 and 8 of this bill make similar changes relating to the process of final and binding arbitration.

— Existing law limits the extent to which money in certain governmental funds may be expended by a local government employer pursuant to a collective bargaining agreement or considered by a fact finder or arbitrator in determining the financial ability of the local government employer to pay monetary benefits. (NRS 288.200, 288.215, 288.217, 354.6241) Existing law further provides that for any local government other than a school district, a budgeted ending fund balance for the general fund of the local government of not more than 25 percent of the total budgeted expenditures from the general fund, less capital outlay: (1) is not subject to collective bargaining negotiations; and (2) must not be considered by a fact finder or arbitrator in resolving issues of ability to pay compensation or monetary benefits. (NRS 354.6241) Section 9 of this bill deletes the exception provided for a school district. Section 9 further provides that a fact finder or arbitrator may consider certain money previously reserved by a local government employer if the governing body of the local government employer makes a finding that the continued reservation of the money is no longer necessary.

Existing law authorizes a local government employer to provide leave to any of its employees for time spent by the employee in providing services for an employee organization, conditioned upon: (1) payment or reimbursement of the cost of the leave by the affected employee organization; or (2) bargaining concessions by the employee organization that fully offset the cost of the leave. (NRS 288.225) Section 8.3 of this bill provides that if such leave was provided by a local government employer as of June 1, 2015, to a given number of employees, bargaining concessions are deemed to have been made by the employee organization for the past, present and future costs of providing the leave to that number of employees.

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:~~

~~— “Financially sustainable” means that a local government employer has the financial ability to pay compensation and monetary benefits in a given amount during the term of a collective bargaining agreement or for 3 years, whichever is longer, giving consideration to the limitations set forth in NRS 354.6241, any nonrecurring revenue or potential loss of revenue and the other criteria set forth in NRS 288.200, 288.215 and 288.217, as applicable.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 288.020 is hereby amended to read as follows:~~

~~288.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 288.025 to 288.075, inclusive, and section 1 of~~

~~this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 288.034 is hereby amended to read as follows:~~

~~288.034 "Commissioner" means the Commissioner or Deputy Commissioner appointed by the Board.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 288.090 is hereby amended to read as follows:~~

~~288.090 1. The members of the Board shall annually elect one of their number as Chair and one as Vice Chair. Any two members of the Board constitute a quorum.~~

~~2. The Board may, within the limits of legislative appropriations and any other available money:~~

~~(a) Appoint a Commissioner, a Deputy Commissioner and a Secretary, who are in the unclassified service of the State; and~~

~~(b) Employ such additional clerical personnel as may be necessary, who are in the classified service of the State.] (Deleted by amendment.)~~

Sec. 5. ~~[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.~~

~~2. Not less than [3] 21 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 the local government does not have such a website, deposited with the clerk of the governing body:~~

~~(a) The proposed agreement and any exhibits or other attachments to the proposed agreement;~~

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

~~(c) Any supporting material prepared for the governing body and relating to the fiscal impact of the proposed agreement.~~

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

~~4. At the hearing, the chief executive officer of the local government shall report to the governing body of the local government the fiscal impact of the proposed agreement [.] and whether the proposed agreement is financially sustainable.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 288.200 is hereby amended to read as follows:~~

~~288.200 Except in cases to which NRS 288.205 and 288.215, or NRS 288.217 apply:~~

~~1. If:~~

~~(a) The parties have failed to reach an agreement after at least six meetings of negotiations; and~~

~~(b) The parties have participated in mediation and by April 1, have not reached agreement;~~

~~either party to the dispute, at any time after April 1, may submit the dispute to an impartial fact finder for the findings and recommendations of the fact finder. The findings and recommendations of the fact finder are not binding on the parties except as provided in subsections 5, 6 and 11. The mediator of a dispute may also be chosen by the parties to serve as the fact finder.~~

~~2. If the parties are unable to agree on an impartial fact finder or a panel of neutral arbitrators within 5 days, either party may request from the American Arbitration Association or the Federal Mediation and Conciliation Service a list of seven potential fact finders. If the parties are unable to agree upon which arbitration service should be used, the Federal Mediation and Conciliation Service must be used. Within 5 days after receiving a list from the applicable arbitration service, the parties shall select their fact finder from this list by alternately striking one name until the name of only one fact finder remains, who will be the fact finder to hear the dispute in question. The employee organization shall strike the first name.~~

~~3. The local government employer and employee organization each shall pay one half of the cost of fact finding. Each party shall pay its own costs of preparation and presentation of its case in fact finding.~~

~~4. A schedule of dates and times for the hearing must be established within 10 days after the selection of the fact finder pursuant to subsection 2, and the fact finder shall report the findings and recommendations of the fact finder to the parties to the dispute within 30 days after the conclusion of the fact finding hearing.~~

~~5. The parties to the dispute may agree, before the submission of the dispute to fact finding, to make the findings and recommendations on all or any specified issues final and binding on the parties.~~

~~6. If the parties do not agree on whether to make the findings and recommendations of the fact finder final and binding, either party may request the formation of a panel to determine whether the findings and recommendations of a fact finder on all or any specified issues in a particular dispute which are within the scope of subsection 11 are to be final and binding. The determination must be made upon the concurrence of at least two members of the panel and not later than the date which is 30 days after the date on which the matter is submitted to the panel, unless that date is extended by the Commissioner. [of the Board.] Each panel shall, when making its determination, consider whether the parties have bargained in good faith and whether it believes the parties can resolve any remaining issues. Any panel may also consider the actions taken by the parties in response to any previous fact finding between these parties, the best interests of the State and all its citizens, the potential fiscal effect both within and outside the political subdivision, and any danger to the safety of the people of the State or a political subdivision.~~

~~7. Except as otherwise provided in subsection 10, any fact finder, whether the fact finder's recommendations are to be binding or not, shall base such recommendations or award on the following criteria:~~

~~(a) A preliminary determination must be made as to the financial ability of [the].~~

~~(1) The local government employer based on all existing available revenues as established by the local government employer and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the health, welfare and safety of the people residing within the political subdivision [.] and~~

~~(2) The amount of compensation and monetary benefits that is financially sustainable for the local government employer.~~

~~Except as otherwise provided in this paragraph and NRS 354.6241, in making those determinations, the fact finder shall not consider any nonrecurring revenue or nonrecurring transfer of money or any money reserved by the local government employer to pay the current or future costs of health benefits for retired employees or workers' compensation benefits. The fact finder may consider nonrecurring revenue or a nonrecurring transfer of money in~~

~~determining the ability of the local government employer to make a nonrecurring payment of compensation or monetary benefits.~~

~~(b) [Once] If the fact finder [has determined] determines in accordance with paragraph (a) that there is a current financial ability to grant compensation and monetary benefits [.] and [subject to the provisions of paragraph (e)] the amount of compensation and monetary benefits that is financially sustainable, the fact finder shall consider, to the extent appropriate, the compensation of other government employees, both in and out of the State and use normal criteria for interest disputes regarding the terms and provisions to be included in an agreement in assessing the reasonableness of the position of each party as to each issue in dispute and the fact finder shall consider whether the Board found that either party had bargained in bad faith.~~

~~[(c) A consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multiyear contract, the fact finder must consider the ability to pay over the life of the contract being negotiated or arbitrated.]~~

~~→ The fact finder's report must contain the facts upon which the fact finder has based [the fact finder's] his or her determination of financial ability to grant compensation and monetary benefits and the amount of compensation and monetary benefits that is financially sustainable, and the fact finder's recommendations or award.~~

~~8. Within 45 days after the receipt of the report from the fact finder, the governing body of the local government employer shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:~~

~~(a) The issues of the parties submitted [pursuant to subsection 3;] to the fact finder;~~

~~(b) The report of findings and recommendations of the fact finder; and~~

~~(c) The overall fiscal impact of the findings and recommendations [.] and whether they are financially sustainable, which must not include a discussion of the details of the report.~~

~~→ The fact finder must not be asked to discuss the decision during the meeting.~~

~~9. The chief executive officer of the local government shall report to the local government the fiscal impact of the findings and recommendations [.] and whether they are financially sustainable. The report must include, without limitation, an analysis of the impact of the findings and recommendations on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment.~~

~~10. Any sum of money which is maintained in a fund whose balance is required by law to be:~~

~~(a) Used only for a specific purpose other than the payment of compensation to the bargaining unit affected; or~~

~~(b) Carried forward to the succeeding fiscal year in any designated amount, to the extent of that amount;~~

~~→ must not be counted in determining the financial ability of a local government employer or the amount of compensation and monetary benefits that is financially sustainable and must not be used to pay any compensation or monetary benefits recommended or awarded by the fact finder.~~

~~11. The issues which may be included in a panel's order pursuant to subsection 6 are:~~

~~(a) Those enumerated in subsection 2 of NRS 288.150 as the subjects of mandatory bargaining, unless precluded for that year by an existing collective bargaining agreement between the parties; and~~

~~(b) Those which an existing collective bargaining agreement between the parties makes subject to negotiation in that year.~~

~~→ This subsection does not preclude the voluntary submission of other issues by the parties pursuant to subsection 5.] **(Deleted by amendment.)**~~

Sec. 7. NRS 288.215 is hereby amended to read as follows:

~~288.215 1. As used in this section:~~

~~(a) "Firefighters" means those persons who are salaried *or hourly* employees of a fire prevention or suppression unit organized by a political subdivision of the State and whose principal duties are controlling and extinguishing fires.~~

~~(b) "Police officers" means those persons who are salaried *or hourly* employees of a police department or other law enforcement agency organized by a political subdivision of the State and whose principal duties are to enforce the law.~~

~~2. The provisions of this section apply only to firefighters and police officers and their local government employers.~~

~~3. If the parties have not agreed to make the findings and recommendations of the fact finder final and binding upon all issues, and do not otherwise resolve their dispute, they shall, within 10 days after the fact finder's report is submitted, submit the issues remaining in dispute to an arbitrator who must be selected in the manner provided in NRS 288.200 and have the same powers provided for fact finders in NRS 288.210.~~

~~4. The arbitrator shall, within 10 days after the arbitrator is selected, and after 7 days' written notice is given to the parties, hold a hearing to receive information concerning the dispute. The hearings must be held in the county in which the local government employer is located and the arbitrator shall arrange for a full and complete record of the hearings.~~

~~5. At the hearing, or at any subsequent time to which the hearing may be adjourned, information may be presented by:~~

~~(a) The parties to the dispute; or~~

~~(b) Any interested person.~~

~~6. The parties to the dispute shall each pay one half of the costs incurred by the arbitrator.~~

~~7. A determination [of the] *must be made as to:*~~

~~(a) *The* financial ability of [a] *the* local government employer [must be] based on [:~~

~~(a) All] *all* existing available revenues as established by the local government employer and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the health, welfare and safety of the people residing within the political subdivision [.] ; and~~

~~(b) [Consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multi-year contract the arbitrator must consider the ability to pay over the life of the contract being negotiated or arbitrated.~~

~~→ *Once*] *The amount of compensation and monetary benefits that is financially sustainable for the local government employer.*~~

~~→ *Except as otherwise provided in this paragraph and NRS 354.6241, in making those determinations, the arbitrator shall not consider any nonrecurring revenue or nonrecurring transfer of money or any money reserved by the local government employer to pay the current or future costs of health benefits for retired employees or workers' compensation benefits. The arbitrator may consider nonrecurring revenue or a nonrecurring transfer of money in determining the ability of the local government employer to make a nonrecurring payment of compensation or monetary benefits.*~~

~~8. If the arbitrator [has determined] **determines** in accordance with [this] subsection 7 that there is a current financial ability to grant **compensation and monetary benefits [.] and the amount of compensation and monetary benefits that is financially sustainable**, the arbitrator shall consider, to the extent appropriate, the compensation of other governmental employees, both in and out of this State.~~

~~[8.] 9. At the recommendation of the arbitrator, the parties may, before the submission of a final offer, enter into negotiations. If the negotiations are begun, the arbitrator may adjourn the hearings for a period of 3 weeks. An agreement by the parties is final and binding, and upon notification to the arbitrator, the arbitration terminates.~~

~~[9.] 10. If the parties do not enter into negotiations or do not agree within 20 days, each of the parties shall submit a single written statement containing its final offer for each of the unresolved issues.~~

~~[10.] 11. The arbitrator shall, within 10 days after the final offers are submitted, accept one of the written statements, on the basis of the criteria provided in **this section and NRS 288.200**, and shall report the decision to the parties. The decision of the arbitrator is final and binding on the parties. Any award of the arbitrator is retroactive to the expiration date of the last contract.~~

~~[11.] 12. The decision of the arbitrator must include a statement:~~

~~(a) Giving the arbitrator's reason for accepting the final offer that is the basis of the arbitrator's award; and~~

~~(b) Specifying the arbitrator's estimate of the total cost of the award.~~

~~[12.] 13. Within 45 days after the receipt of the decision from the arbitrator pursuant to subsection [10.] 11, the governing body of the local government employer shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:~~

~~(a) The issues submitted pursuant to subsection 2;~~

~~(b) The statement of the arbitrator pursuant to subsection [11.] 12; and~~

~~(c) The overall fiscal impact of the decision [.] **and whether it is financially sustainable**, which must not include a discussion of the details of the decision.~~

~~→ The arbitrator must not be asked to discuss the decision during the meeting.~~

~~[13.] 14. The chief executive officer of the local government shall report to the local government the fiscal impact of the decision [.] **and whether it is financially sustainable**. The report must include, without limitation, an analysis of the impact of the decision on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment.] **(Deleted by amendment.)**~~

Sec. 8. [NRS 288.217 is hereby amended to read as follows:

~~288.217 1. The provisions of this section govern negotiations between school districts and employee organizations representing teachers and educational support personnel.~~

~~2. Not later than 330 days before the end of the term stated in their collective bargaining agreement, the parties shall select an arbitrator in the manner provided in subsection 2 of NRS 288.200 to conduct a hearing in the event that an impasse is declared pursuant to subsection 3. The parties and the arbitrator shall schedule a hearing of not less than 3 consecutive business days, to begin not later than June 10 immediately preceding the end of the term stated in the collective bargaining agreement or 60 days before the end of that term, whichever is earlier. As a condition of his or her selection, the arbitrator must agree to render a decision, if the hearing is held, within the time required by subsection [9.] 10. If the arbitrator fails or refuses to agree to any of the conditions stated in this subsection, the parties shall immediately proceed to select another arbitrator in the manner provided in~~

~~subsection 2 of NRS 288.200 until an arbitrator is selected who agrees to those conditions.~~

~~2. If the parties to a negotiation pursuant to this section have failed to reach an agreement after at least eight sessions of negotiation, either party may declare the negotiations to be at an impasse and, after 5 days' written notice is given to the other party, submit the issues remaining in dispute to the arbitrator selected pursuant to subsection 2. The arbitrator has the powers provided for fact finders in NRS 288.210.~~

~~4. The arbitrator shall, pursuant to subsection 2, hold a hearing to receive information concerning the dispute. The hearing must be held in the county in which the school district is located and the arbitrator shall arrange for a full and complete record of the hearing.~~

~~5. The parties to the dispute shall each pay one half of the costs of the arbitration.~~

~~6. A determination [of the] **must be made as to:**~~

~~(a) The financial ability of [a] the school district [must be] based on [:~~

~~(a) All existing available revenues as established by the school district and within the limitations set forth in NRS 254.6241, with due regard for the obligation of the school district to provide an education to the children residing within the district [.] ; and~~

~~(b) [Consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multi year contract the arbitrator must consider the ability to pay over the life of the contract being negotiated or arbitrated.~~

~~Once] **The amount of compensation and monetary benefits that is financially sustainable for the school district.**~~

~~Except as otherwise provided in this paragraph and NRS 254.6241, in making those determinations, the arbitrator shall not consider any nonrecurring revenue or nonrecurring transfer of money or any other money reserved by the school district to pay the current or future costs of health benefits for retired employees or workers' compensation benefits. The arbitrator may consider nonrecurring revenue or a nonrecurring transfer of money in determining the ability of the local government employer to make a nonrecurring payment of compensation or monetary benefits.~~

~~7. If the arbitrator [has determined] **determines** in accordance with [this] subsection 6 that there is a current financial ability to grant **compensation and monetary benefits [.] and the amount of compensation and monetary benefits that is financially sustainable**, the arbitrator shall consider, to the extent appropriate, **the** compensation of other governmental employees, both in and out of this State.~~

~~[7.] 8. At the recommendation of the arbitrator, the parties may, before the submission of a final offer, enter into negotiations. If the negotiations are begun, the arbitrator may adjourn the hearing for a period of 3 weeks. If an agreement is reached, it must be submitted to the arbitrator, who shall certify it as final and binding.~~

~~[8.] 9. If the parties do not enter into negotiations or do not agree within 7 days after the hearing held pursuant to subsection 4, each of the parties shall submit a single written statement containing its final offer for each of the unresolved issues.~~

~~[9.] 10. The arbitrator shall, within 10 days after the final offers are submitted, render a decision on the basis of the criteria set forth in **this section and NRS 288.200**. The arbitrator shall accept one of the written statements and shall report the decision to the parties. The decision of the arbitrator is final and binding on the parties. Any award of the arbitrator is retroactive to the expiration date of the last contract between the parties.~~

~~10.] 11. The decision of the arbitrator must include a statement:~~
~~(a) Giving the arbitrator's reason for accepting the final offer that is the basis of the arbitrator's award; and~~

~~(b) Specifying the arbitrator's estimate of the total cost of the award.~~

~~11.] 12. Within 45 days after the receipt of the decision from the arbitrator, the board of trustees of the school district shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:~~

~~(a) The issues submitted pursuant to subsection 2;~~

~~(b) The statement of the arbitrator pursuant to subsection [10.] 11; and~~

~~(c) The overall fiscal impact of the decision and whether it is financially sustainable, which must not include a discussion of the details of the decision.~~

~~The arbitrator must not be asked to discuss the decision during the meeting.~~

~~12.] 13. The superintendent of the school district shall report to the board of trustees the fiscal impact of the decision [] and whether it is financially sustainable. The report must include, without limitation, an analysis of the impact of the decision on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment.~~

~~13.] 14. As used in this section:~~

~~(a) "Educational support personnel" means all classified employees of a school district, other than teachers, who are represented by an employee organization.~~

~~(b) "Teacher" means an employee of a school district who is licensed to teach in this State and who is represented by an employee organization.] (Deleted by amendment.)~~

Sec. 8.3. NRS 288.225 is hereby amended to read as follows:

288.225 1. A local government employer may agree to provide leave to any of its employees for time spent by the employee in performing duties or providing services for an employee organization if the full cost of such leave is paid or reimbursed by the employee organization or is offset by the value of concessions made by the employee organization in the negotiation of an agreement with the local government employer pursuant to this chapter.

2. If such leave was provided by a local government employer as of June 1, 2015, the employee organization shall be deemed for the purposes of this section to have made concessions to offset the past, present and future costs of leave for the number of employees to whom leave was provided as of that date.

Sec. 9. [NRS 354.624] is hereby amended to read as follows:

~~354.624] 1. The statement required by paragraph (a) of subsection 5 of NRS 354.624 must indicate for each fund set forth in that paragraph:~~

~~(a) Whether the fund is being used in accordance with the provisions of this chapter.~~

~~(b) Whether the fund is being administered in accordance with generally accepted accounting procedures.~~

~~(c) Whether the reserve in the fund is limited to an amount that is reasonable and necessary to carry out the purposes of the fund.~~

~~(d) The sources of revenues available for the fund during the fiscal year, including transfers from any other funds.~~

~~(e) The statutory and regulatory requirements applicable to the fund.~~

~~(f) The balance and retained earnings of the fund.~~

~~2. Except as otherwise provided in subsection 3 and NRS 288.200, 288.215, 288.217, 254.50801 and 354.613, to the extent that the reserve in any fund set forth in paragraph (a) of subsection 5 of NRS 354.624 exceeds the amount that is reasonable and necessary to carry out the purposes for which the fund was created,~~

1 the reserve may be expended by the local government pursuant to the provisions of
2 chapter 288 of NRS.

3 ~~2. For [any local government other than a school district, for] the purposes of~~
4 ~~chapter 288 of NRS [, a] :~~

5 ~~(a) 4 budgeted ending fund balance for the general fund of a local~~
6 ~~government of not more than 25 percent of the total budgeted expenditures, less~~
7 ~~capital outlay [, for a general fund:~~

8 ~~—(a)]:~~

9 ~~—(1) Is not subject to negotiations with an employee organization; and~~

10 ~~—[(b)] (2) Must not be considered by a fact finder or arbitrator in determining the~~
11 ~~financial ability of the local government to pay compensation or monetary benefits~~
12 ~~[,] or the amount of compensation and monetary benefits that is financially~~
13 ~~sustainable.~~

14 ~~—(b) If and to the extent that the governing body of a local government~~
15 ~~employer makes a finding that the continued reservation of money previously~~
16 ~~reserved by the local government employer to pay the current or future costs of~~
17 ~~health benefits for retired employees or workers' compensation benefits is no~~
18 ~~longer necessary, the money may be considered by a fact finder or arbitrator in~~
19 ~~determining the financial ability of the local government employer to pay~~
20 ~~compensation or monetary benefits or the amount of compensation and monetary~~
21 ~~benefits that is financially sustainable.~~

22 ~~4. As used in this section:~~

23 ~~—(a) "Employee organization" has the meaning ascribed to it in NRS 288.040.~~

24 ~~—(b) "Financially sustainable" has the meaning ascribed to it in section 1 of~~
25 ~~this act.] (Deleted by amendment.)~~

26 **Sec. 10.** ~~[1. There is hereby appropriated from the State General Fund to~~
27 ~~the Local Government Employee Management Relations Board the sum of~~
28 ~~\$300,000 for the purpose of employing a Deputy Commissioner pursuant to NRS~~
29 ~~288.090, as amended by section 4 of this act.~~

30 ~~2. Any remaining balance of the appropriation made by subsection 1 must not~~
31 ~~be committed for expenditure after June 30, 2019, by the entity to which the~~
32 ~~appropriation is made or any entity to which money from the appropriation is~~
33 ~~granted or otherwise transferred in any manner, and any portion of the appropriated~~
34 ~~money remaining must not be spent for any purpose after September 20, 2019, by~~
35 ~~either the entity to which the money was appropriated or the entity to which the~~
36 ~~money was subsequently granted or transferred, and must be reverted to the State~~
37 ~~General Fund on or before September 20, 2019.] (Deleted by amendment.)~~

38 **Sec. 11.** ~~[1.] This [section and sections 1, 2 and 5 to 9, inclusive, of this act~~
39 ~~become effective upon passage and approval.~~

40 ~~2. Sections 2, 4 and 10 of this act become] act becomes effective on July 1,~~
41 ~~2017.~~