

(Reprinted with amendments adopted on April 13, 2023)

FIRST REPRINT

A.B. 172

ASSEMBLY BILL NO. 172—ASSEMBLYMEN ANDERSON,
DURAN, CARTER; CONSIDINE AND THOMAS

FEBRUARY 15, 2023

JOINT SPONSOR: SENATOR DALY

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing collective bargaining for local government employees. (BDR 23-700)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to collective bargaining; requiring each local government employer to semiannually provide each employee organization recognized by the local government employer certain information relating to each employee of the bargaining unit represented by the employee organization; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires each employee organization recognized by a local
2 government employer in this State to file a report with the Government Employee-
3 Management Relations Board each year containing certain information, including,
4 without limitation, the total number of persons in each bargaining unit represented
5 by the employee organization. (NRS 288.165) **Section 1** of this bill requires, with
6 certain exception, that each local government employer provide each employee
7 organization recognized by the local government employer the name, address,
8 email address, telephone number, work contact information and work location of
9 each employee in the bargaining unit represented by the employee organization at
10 least on a semiannual basis. **Section 1** further provides that if a local government
11 employee notifies his or her employer in writing that he or she does not want the
12 employer to provide his or her information to the employee organization, the local
13 government employer: (1) must still provide the information to the employee
14 organization twice per year, but must not provide the information to the employee
15 organization more often; and (2) must still provide the information to the
16 Government Employee-Management Relations Board when requested by order of
17 the Board. **Section 1** also provides that information about any local government



18 employee provided to an employee organization or the Board is confidential and is
19 not a public record. **Section 3** of this bill makes a conforming change relating to
20 making such information confidential and not a public record.

21 **Section 2** of this bill makes a conforming change to indicate the proper
22 placement of **section 1** in the Nevada Revised Statutes.

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

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

3 *1. Except as otherwise provided in subsection 3, at least twice*
4 *each year, on or before January 1 and July 1, each local*
5 *government employer shall provide each employee organization*
6 *recognized by the local government employer the name, address,*
7 *email address, telephone number, work contact information and*
8 *work location of each local government employee of the*
9 *bargaining unit represented by the employee organization.*

10 *2. A local government employer is required to provide an*
11 *employee organization with the information about a local*
12 *government employee pursuant to subsection 1 regardless of*
13 *whether the employee has joined the employee organization.*

14 *3. If a local government employee notifies his or her*
15 *employer in writing that he or she does not want the employer to*
16 *provide any of his or her information to the employee organization*
17 *recognized by the local government employer, the local*
18 *government employer:*

19 *(a) Must still provide the information set forth in subsection 1*
20 *to the employee organization on or before January 1 and July 1 of*
21 *year but must not provide the information set forth in subsection 1*
22 *to the employee organization more often; and*

23 *(b) Must still provide the information set forth in subsection 1*
24 *to the Government Employee-Management Relations Board when*
25 *requested by the order of the Board.*

26 *4. Information about any local government employee that is*
27 *provided pursuant to this section to an employee organization or*
28 *the Government Employee-Management Relations Board is*
29 *confidential and is not a public record.*

30 **Sec. 2.** NRS 288.131 is hereby amended to read as follows:

31 288.131 As used in NRS 288.131 to 288.280, inclusive, *and*
32 *section 1 of this act*, unless the context otherwise requires, the
33 words and terms defined in NRS 288.132 to 288.138, inclusive,
34 have the meanings ascribed to them in those sections.



Sec. 3. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and
NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,
62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,
80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,
176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570,
231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105,
239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,
239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420,
240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150,
268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195,
281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438,
289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910,
293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242,
361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080,
378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,
391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,
392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045,
394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,
396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,
408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,
422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,



1 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
2 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534,
3 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116,
4 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
5 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
6 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209,
7 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,
8 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555,
9 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
10 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940,
11 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
12 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,
13 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,
14 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,
15 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,
16 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
17 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,
18 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
19 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672,
20 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332,
21 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,
22 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055,
23 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158,
24 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087,
25 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,
26 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,
27 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,
28 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,
29 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,
30 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,
31 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
32 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
33 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
34 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130,
35 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480,
36 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
37 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
38 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
39 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
40 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
41 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
42 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
43 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
44 711.600, *section 1 of this act*, sections 35, 38 and 41 of chapter 478,
45 Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of



1 Nevada 2013 and unless otherwise declared by law to be
2 confidential, all public books and public records of a governmental
3 entity must be open at all times during office hours to inspection by
4 any person, and may be fully copied or an abstract or memorandum
5 may be prepared from those public books and public records. Any
6 such copies, abstracts or memoranda may be used to supply the
7 general public with copies, abstracts or memoranda of the records or
8 may be used in any other way to the advantage of the governmental
9 entity or of the general public. This section does not supersede or in
10 any manner affect the federal laws governing copyrights or enlarge,
11 diminish or affect in any other manner the rights of a person in any
12 written book or record which is copyrighted pursuant to federal law.

13 2. A governmental entity may not reject a book or record
14 which is copyrighted solely because it is copyrighted.

15 3. A governmental entity that has legal custody or control of a
16 public book or record shall not deny a request made pursuant to
17 subsection 1 to inspect or copy or receive a copy of a public book or
18 record on the basis that the requested public book or record contains
19 information that is confidential if the governmental entity can
20 redact, delete, conceal or separate, including, without limitation,
21 electronically, the confidential information from the information
22 included in the public book or record that is not otherwise
23 confidential.

24 4. If requested, a governmental entity shall provide a copy of a
25 public record in an electronic format by means of an electronic
26 medium. Nothing in this subsection requires a governmental entity
27 to provide a copy of a public record in an electronic format or by
28 means of an electronic medium if:

29 (a) The public record:

- 30 (1) Was not created or prepared in an electronic format; and
31 (2) Is not available in an electronic format; or

32 (b) Providing the public record in an electronic format or by
33 means of an electronic medium would:

- 34 (1) Give access to proprietary software; or
35 (2) Require the production of information that is confidential
36 and that cannot be redacted, deleted, concealed or separated from
37 information that is not otherwise confidential.

38 5. An officer, employee or agent of a governmental entity who
39 has legal custody or control of a public record:

40 (a) Shall not refuse to provide a copy of that public record in the
41 medium that is requested because the officer, employee or agent has
42 already prepared or would prefer to provide the copy in a different
43 medium.

44 (b) Except as otherwise provided in NRS 239.030, shall, upon
45 request, prepare the copy of the public record and shall not require



- 1 the person who has requested the copy to prepare the copy himself
- 2 or herself.

⑩

