

Amendment No. 689

Senate Amendment to Assembly Bill No. 172 First Reprint	(BDR 23-700)
Proposed by: Senate Committee on Government Affairs	
Amends: Summary: Yes Title: Yes 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.

AMD/HAC



Date: 5/22/2023

A.B. No. 172—Revises provisions governing collective bargaining for local government employees. (BDR 23-700)



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~~ **certains public** employees. (BDR 23-700)

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 collective bargaining; requiring **, with certain exceptions,** each ~~local government employer~~ **school district** to semiannually provide each employee organization recognized by the ~~local government employer~~ **school district** certain information relating to each employee of the bargaining unit represented by the employee organization; **requiring collective bargaining between the Executive Department of State Government and classified employees to include matters relating to parking and transportation;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

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

and is not a public record. **Section 3** of this bill makes a conforming change relating to making such information confidential and not a public record.

Existing law sets forth the requirements for collective bargaining between the Executive Department of State Government and employee organizations that represent classified employees, including the subjects of mandatory bargaining. (NRS 288.500) Section 2.5 of this bill additionally requires such collective bargaining to include matters relating to parking and transportation.

Section 2 of this bill makes a conforming change to indicate the proper 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:

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 this subsection and subsection 3, at least twice each year, on or before January 1 and July 1, each ~~local government employer~~ school district shall provide each employee organization recognized by the ~~local government employer~~ school district the name, address, ~~email~~ electronic mail address, telephone number, work contact information and work location of each ~~local government~~ school district employee of the bargaining unit represented by the employee organization. A school district and an employee organization may agree to provide such information about school district employees at other times that are in addition to or in place of January 1 and July 1 of each year.

2. ~~[A local government employer]~~ Except as otherwise provided in subsection 3, a school district is required to provide an employee organization with the information about a ~~local government~~ school district employee pursuant to subsection 1 regardless of whether the employee has joined the employee organization.

3. If a ~~local government~~ school district employee notifies ~~his or her employer~~ the school district in writing that he or she does not want the ~~employer~~ school district to provide any of his or her information to the employee organization recognized by the ~~local government employer~~ school district, the ~~local government employer~~ school district:

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

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

4. Information about any ~~local government~~ school district employee that is provided pursuant to this section to an employee organization or the Government Employee-Management Relations Board is confidential and is not a public record.

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

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

Sec. 2.5. NRS 288.500 is hereby amended to read as follows:

1 288.500 1. For the purposes of collective bargaining, supplemental
2 bargaining and other mutual aid or protection, employees have the right to:

3 (a) Organize, form, join and assist labor organizations, engage in collective
4 bargaining and supplemental bargaining through exclusive representatives and
5 engage in other concerted activities; and

6 (b) Refrain from engaging in such activity.

7 2. Collective bargaining and supplemental bargaining entail a mutual
8 obligation of the Executive Department and an exclusive representative to meet at
9 reasonable times and to bargain in good faith with respect to:

10 (a) The subjects of mandatory bargaining set forth in subsection 2 of NRS
11 288.150, except paragraph (f) of that subsection;

12 (c) Matters relating to parking and transportation;

13 (c) The negotiation of an agreement;

14 ~~(c)~~ (d) The resolution of any question arising under an agreement; and

15 ~~(c)~~ (e) The execution of a written contract incorporating the provisions of an
16 agreement, if requested by either party.

17 3. The subject matters set forth in subsection 3 of NRS 288.150 are not within
18 the scope of mandatory bargaining and are reserved to the Executive Department
19 without negotiation.

20 4. Notwithstanding the provisions of any collective bargaining agreement
21 negotiated pursuant to the provisions of NRS 288.400 to 288.630, inclusive, the
22 Executive Department is entitled to take the actions set forth in paragraph (b) of
23 subsection 6 of NRS 288.150. Any action taken under the provisions of this
24 subsection must not be construed as a failure to negotiate in good faith.

25 5. This section does not preclude, but the provisions of NRS 288.400 to
26 288.630, inclusive, do not require, the Executive Department to negotiate subject
27 matters set forth in subsection 3 which are outside the scope of mandatory
28 bargaining. The Executive Department shall discuss subject matters outside the
29 scope of mandatory bargaining but it is not required to negotiate those matters.

30 6. The Executive Department shall furnish to an exclusive representative data
31 that is maintained in the ordinary course of business and which is relevant and
32 necessary to the discussion of the subjects of mandatory bargaining described in
33 subsection 2. This subsection shall not be construed to require the Executive
34 Department to furnish to the exclusive representative any advice or training
35 received by representatives of the Executive Department concerning collective
36 bargaining.

37 7. To the greatest extent practicable, any decision issued by the Board before
38 October 1, 2019, relating to the interpretation of, or the performance under, the
39 provisions of NRS 288.150 shall be deemed to apply to any complaint arising out
40 of the interpretation of, or performance under, the provisions of this section.

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

42 239.010 1. Except as otherwise provided in this section and NRS 1.4683,
43 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440,
44 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100,
45 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515,
46 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
47 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
48 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677,
49 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161,
50 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090,
51 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,
52 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
53 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604,

1 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521,
2 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
3 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
4 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473,
5 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030,
6 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,
7 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
8 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095,
9 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
10 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086,
11 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855,
12 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908,
13 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
14 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775,
15 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
16 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257,
17 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1498, 385A.830,
18 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513,
19 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925,
20 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
21 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.467, 394.468, 394.465,
22 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535,
23 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280,
24 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
25 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.430,
26 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360,
27 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754,
28 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
29 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245,
30 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055,
31 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
32 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935,
33 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
34 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070,
35 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
36 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210,
37 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
38 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,
39 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
40 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327,
41 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405,
42 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303,
43 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085,
44 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570,
45 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580,
46 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225,
47 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262,
48 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,
49 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060,
50 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,
51 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
52 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
53 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340,

1 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124,
2 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440,
3 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170,
4 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
5 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
6 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196,
7 704B.325, 706.1725, 706A.230, 710.159, 711.600, *section 1 of this act*, sections
8 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391,
9 Statutes of Nevada 2013 and unless otherwise declared by law to be confidential,
10 all public books and public records of a governmental entity must be open at all
11 times during office hours to inspection by any person, and may be fully copied or
12 an abstract or memorandum may be prepared from those public books and public
13 records. Any such copies, abstracts or memoranda may be used to supply the
14 general public with copies, abstracts or memoranda of the records or may be used
15 in any other way to the advantage of the governmental entity or of the general
16 public. This section does not supersede or in any manner affect the federal laws
17 governing copyrights or enlarge, diminish or affect in any other manner the rights
18 of a person in any written book or record which is copyrighted pursuant to federal
19 law.

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

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

29 4. If requested, a governmental entity shall provide a copy of a public record
30 in an electronic format by means of an electronic medium. Nothing in this
31 subsection requires a governmental entity to provide a copy of a public record in an
32 electronic format or by means of an electronic medium if:

33 (a) The public record:

34 (1) Was not created or prepared in an electronic format; and

35 (2) Is not available in an electronic format; or

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

38 (1) Give access to proprietary software; or

39 (2) Require the production of information that is confidential and that
40 cannot be redacted, deleted, concealed or separated from information that is not
41 otherwise confidential.

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

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

47 (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare
48 the copy of the public record and shall not require the person who has requested the
49 copy to prepare the copy himself or herself.