

The attached document was submitted to the
Washoe County Board of Commissioners during
the meeting held on 2-24-15.
by _____
for Agenda Item No. 11
and included here pursuant to NRS 241.020(7) as
amended by AB65 of the 2013 Legislative Session.



WASHOE COUNTY

GOVERNMENT AFFAIRS

2015 LEGISLATIVE SESSION



2015 Bills of Interest

As of February 24, 2015

Bill Number	Description of Legislation/Notes
SB11	<p><i>Grants power to local governments to perform certain acts or duties which are not prohibited or limited by statute. (Home Rule)</i></p> <p>Summary: Authorizes counties and cities, with limited exceptions, to exercise the powers necessary for the effective operation of county and city government. Under existing law, county commissioners are authorized to exercise only those powers which are expressly granted and powers that are necessarily implied to carry out express powers. (<i>Sadler v. Board of County Comm'rs</i>, 15 Nev. 39, 42 (1880)) Sections 2-7 of this bill authorize a board of county commissioners, with limited exceptions, to exercise all powers needed for the effective operation of county government, even if the power to perform these acts is neither express nor implied, so long as the power is not expressly prohibited or limited by constitutional or statutory provisions or granted to another entity.</p>
SB19	<p><i>Authorizes the board of trustees of a school district to place an advisory question on the ballot at a general election. (Washoe County School District)</i></p> <p>Summary: Existing law authorizes the governing body of a county or city to submit an advisory question to the voters of the county or city. (NRS 295.230) Section 3 of this bill authorizes the board of trustees of a school district to submit an advisory question to the voters within its jurisdiction at a general election.</p>



WASHOE COUNTY

GOVERNMENT AFFAIRS

2015 LEGISLATIVE SESSION



SB30	<p><i>Authorizes a board of county commissioners to withhold longevity pay for certain elected county officers under certain circumstances.</i></p> <p>Summary: Authorizes a board of county commissioners to adopt a resolution withholding longevity pay for elected county officers under certain circumstances; and providing other matters properly relating thereto.</p>
SB70	<p><i>Revises provisions governing meetings of public bodies</i></p> <p>Summary: Relating to public bodies; making various changes relating to meetings of public bodies; and providing other matters properly relating thereto.</p>
SB158	<p><i>Revises provisions relating to collective bargaining by local governments</i></p> <p>Summary: 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.</p>
SB168	<p><i>Revises provisions relating to collective bargaining by local government employers</i></p> <p>Summary: Relating to local governments; revising provisions relating to the reopening of a collective bargaining agreement during a period of fiscal emergency; excluding certain money from collective bargaining negotiations and from consideration in determining the ability of a local government to pay compensation and monetary benefits; and providing other matters properly relating thereto</p>
SB185	<p><i>Makes changes relating to fire and related emergency services in certain counties</i></p> <p>Summary: Existing law authorizes the municipalities of this State to provide fire protection services. (NRS 268.730) Existing law also authorizes the creation of districts for a fire department by boards of county commissioners and the creation of fire protection districts and county fire protection districts. (NRS 244.2961, 473.034, 474.110, 474.460) This bill requires, in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County), the entity that is responsible for the emergency fire-fighting vehicle located closest to a fire to respond to and take all actions necessary to suppress the fire regardless of whether the location of the fire falls within the territory served by the entity.</p>



WASHOE COUNTY

GOVERNMENT AFFAIRS

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AB94	<i>Authorizes a registered voter to elect to receive a sample ballot by electronic mail.</i> Summary: Existing law requires each county and city clerk to mail a sample ballot to each registered voter in the applicable county or city. Sections 2 and 4 of this bill require each county and city clerk to distribute a sample ballot by electronic mail to each registered voter who elects to receive sample ballots in that manner.
AB182	<i>Revises provisions relating to collective bargaining by local government employers.</i> Summary: Relating to local governments; prohibiting a local government employer from entering into an agreement to pay dues to an employee organization through deductions from compensation; prohibiting such an employer from providing paid leave or paying compensation or benefits for time spent by an employee in providing services to an employee organization; prohibiting the inclusion of certain employees in a bargaining unit; revising provisions relating to a reduction in force; providing that a collective bargaining agreement between a local government employer and a recognized employee organization expires for certain purposes at the end of the term stated in the agreement; requiring public notice of certain offers made in collective bargaining; eliminating final and binding fact-finding except upon the election of the governing body; removing a portion of the budgeted ending fund balance of certain governmental funds from the scope of collective bargaining and from consideration by a fact finder; eliminating statutory impasse arbitration for firefighters, police officers, teachers and educational support personnel; and providing other matters properly relating thereto.

SENATE BILL NO. 70—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 20, 2014

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing meetings of public bodies. (BDR 19-155)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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

AN ACT relating to public bodies; making various changes relating to meetings of public bodies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 The Open Meeting Law only applies to meetings of a quorum of the members
2 of certain public bodies. (NRS 241.016) "Quorum" is defined in existing law as "a
3 simple majority of the constituent membership of a public body or another
4 proportion established by law." **Section 2** of this bill deletes the extraneous word
5 "constituent" from this definition, thereby clarifying that a quorum consists of a
6 simple majority of the members of the public body unless a different number is
7 prescribed in law.

8 The Open Meeting Law specifies a certain number of working days by which a
9 public body is mandated to comply with certain requirements with respect to its
10 meetings, such as providing notice of its meetings and making available minutes or
11 audio recordings of its meetings. (NRS 241.020, 241.033-241.035) **Section 2**
12 defines "working day" for purposes of these requirements as every day of the week
13 except Saturday, Sunday and legal holidays prescribed in existing law. Therefore, if
14 an agency has a 4-day workweek and is closed on Fridays, for example, Friday
15 would nevertheless count as a working day for that agency for purposes of the
16 requirements of the Open Meeting Law unless a particular Friday is a legal holiday.

17 Under existing law, any provision of law which provides that a meeting,
18 hearing or other proceeding is not subject to the Open Meeting Law or otherwise
19 authorizes or requires a closed meeting, hearing or proceeding prevails over the
20 general provisions of the Open Meeting Law. (NRS 241.016) **Section 3** of this bill
21 lists examples of other such provisions of law that prevail over the general
22 provisions of the Open Meeting Law.

23 The Open Meeting Law sets forth the minimum public notice required for
24 meetings of public bodies subject to the Open Meeting Law. (NRS 241.020)



1 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135,
2 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070,
3 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
4 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
5 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080,
6 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275,
7 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264,
8 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460,
9 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
10 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320,
11 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175,
12 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,
13 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195,
14 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570,
15 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610,
16 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
17 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
18 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536,
19 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040,
20 534A.031, 561.285, 571.160, 584.655, 598.0964, 598A.110,
21 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015,
22 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131,
23 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418,
24 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,
25 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212,
26 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315,
27 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
28 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
29 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
30 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
31 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
32 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
33 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
34 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
35 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
36 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
37 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077,
38 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
39 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420,
40 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325,
41 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478,
42 Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of
43 Nevada 2013 and unless otherwise declared by law to be
44 confidential, all public books and public records of a governmental
45 entity must be open at all times during office hours to inspection by



1 (d) If all the members of a public body must be elected officials,
2 an affirmative vote taken by a majority of all the members of the
3 public body.

4 2. "Deliberate" means collectively to examine, weigh and
5 reflect upon the reasons for or against the action. The term includes,
6 without limitation, the collective discussion or exchange of facts
7 preliminary to the ultimate decision.

8 3. "Meeting":

9 (a) Except as otherwise provided in paragraph (b), means:

10 (1) The gathering of members of a public body at which a
11 quorum is present, whether in person or by means of electronic
12 communication, to deliberate toward a decision or to take action on
13 any matter over which the public body has supervision, control,
14 jurisdiction or advisory power.

15 (2) Any series of gatherings of members of a public body at
16 which:

17 (I) Less than a quorum is present, whether in person or by
18 means of electronic communication, at any individual gathering;

19 (II) The members of the public body attending one or
20 more of the gatherings collectively constitute a quorum; and

21 (III) The series of gatherings was held with the specific
22 intent to avoid the provisions of this chapter.

23 (b) Does not include a gathering or series of gatherings of
24 members of a public body, as described in paragraph (a), at which a
25 quorum is actually or collectively present, whether in person or by
26 means of electronic communication:

27 (1) Which occurs at a social function if the members do not
28 deliberate toward a decision or take action on any matter over which
29 the public body has supervision, control, jurisdiction or advisory
30 power.

31 (2) To receive information from the attorney employed or
32 retained by the public body regarding potential or existing litigation
33 involving a matter over which the public body has supervision,
34 control, jurisdiction or advisory power and to deliberate toward a
35 decision on the matter, or both.

36 4. Except as otherwise provided in NRS 241.016, "public
37 body" means:

38 (a) Any administrative, advisory, executive or legislative body
39 of the State or a local government consisting of at least two persons
40 which expends or disburses or is supported in whole or in part by
41 tax revenue or which advises or makes recommendations to any
42 entity which expends or disburses or is supported in whole or in part
43 by tax revenue, including, but not limited to, any board,
44 commission, committee, subcommittee or other subsidiary thereof
45 and includes an educational foundation as defined in subsection 3 of



1 (b) Judicial proceedings, including, without limitation,
2 proceedings before the Commission on Judicial Selection and,
3 except as otherwise provided in NRS 1.4687, the Commission on
4 Judicial Discipline.

5 (c) Meetings of the State Board of Parole Commissioners when
6 acting to grant, deny, continue or revoke the parole of a prisoner or
7 to establish or modify the terms of the parole of a prisoner.

8 3. Any provision of law , *including, without limitation, NRS*
9 *91.270, 239C.140, 281A.350, 281A.440, 281A.550, 284.3629,*
10 *286.150, 287.0415, 288.220, 289.387, 295.121, 360.247, 385.555,*
11 *386.585, 392.147, 392.467, 392.656, 392A.105, 394.1699,*
12 *396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311,*
13 *630.336, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196*
14 *and 706.1725, which:*

15 (a) Provides that any meeting, hearing or other proceeding is not
16 subject to the provisions of this chapter; or

17 (b) Otherwise authorizes or requires a closed meeting, hearing
18 or proceeding,

19 ↪ prevails over the general provisions of this chapter.

20 4. The exceptions provided to this chapter, and electronic
21 communication, must not be used to circumvent the spirit or letter of
22 this chapter to deliberate or act, outside of an open and public
23 meeting, upon a matter over which the public body has supervision,
24 control, jurisdiction or advisory powers.

25 **Sec. 4.** NRS 241.020 is hereby amended to read as follows:

26 241.020 1. Except as otherwise provided by specific statute,
27 all meetings of public bodies must be open and public, and all
28 persons must be permitted to attend any meeting of these public
29 bodies. A meeting that is closed pursuant to a specific statute may
30 only be closed to the extent specified in the statute allowing the
31 meeting to be closed. All other portions of the meeting must be open
32 and public, and the public body must comply with all other
33 provisions of this chapter to the extent not specifically precluded by
34 the specific statute. Public officers and employees responsible for
35 these meetings shall make reasonable efforts to assist and
36 accommodate persons with physical disabilities desiring to attend.

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

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

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

42 (c) The name and contact information for the person designated
43 by the public body from whom a member of the public may request
44 the supporting material for the meeting described in subsection 5



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

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

8 3. Minimum public notice is:

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

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

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

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

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

31 *⇒ For each of its meetings, a public body shall certify in writing,*
32 *on a form prescribed by the Attorney General, that the public body*
33 *complied with the minimum public notice required by this*
34 *subsection for the meeting.*

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



1 subsection shall not be deemed to be a violation of the provisions of
2 this chapter.

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

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

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

26 (b) Any impairment of the health and safety of the public.

27 **Sec. 5.** NRS 241.025 is hereby amended to read as follows:

28 241.025 1. ~~{A member of a public body may not designate a~~
29 ~~person to attend a meeting of the public body in the place of the~~
30 ~~member unless such}~~ *Unless the* designation is expressly authorized
31 by the legal authority pursuant to which ~~{the}~~ a public body was
32 created ~~{.}~~:

33 (a) *The public body may not designate a person to attend a*
34 *meeting of the public body in the place of a member of the public*
35 *body; and*

36 (b) *A member of the public body may not designate a person to*
37 *attend a meeting of the public body in his or her place.*

38 2. Any ~~{such}~~ *authorized* designation must be made in writing
39 or made on the record at a meeting of the public body.

40 ~~{2.}~~ 3. A person *who is* designated ~~{pursuant to subsection 1:}~~
41 *to attend a meeting of a public body in the place of a member of*
42 *the public body:*

43 (a) Shall be deemed to be a member of the public body for the
44 purposes of determining a quorum at the meeting; and



1 (c) Paragraph (c) of subsection 1 of NRS 241.030 become
2 public records when the public body determines that the matters
3 considered no longer require confidentiality and the person who
4 appealed the results of the examination has consented to their
5 disclosure, except that the public body shall remove from the
6 minutes any references to the real name of the person who appealed
7 the results of the examination. That person is entitled to a copy of
8 the minutes upon request whether or not they become public
9 records.

10 3. All or part of any meeting of a public body may be recorded
11 on audiotape or any other means of sound or video reproduction by
12 a member of the general public if it is a public meeting so long as
13 this in no way interferes with the conduct of the meeting.

14 4. Except as otherwise provided in subsection 7, a public body
15 shall, for each of its meetings, whether public or closed, record the
16 meeting on audiotape or another means of sound reproduction or
17 cause the meeting to be transcribed by a court reporter who is
18 certified pursuant to chapter 656 of NRS. If a public body makes an
19 audio recording of a meeting or causes a meeting to be transcribed
20 pursuant to this subsection, the audio recording or transcript:

21 (a) Must be retained by the public body for at least 1 year after
22 the adjournment of the meeting at which it was recorded or
23 transcribed;

24 (b) Except as otherwise provided in this section, is a public
25 record and must be made available for inspection by the public
26 during the time the recording or transcript is retained; and

27 (c) Must be made available to the Attorney General upon
28 request.

29 5. The requirement set forth in subsection 2 that a public body
30 make available a copy of the minutes or audio recording of a
31 meeting to a member of the public upon request at no charge does
32 not:

33 (a) Prohibit a court reporter who is certified pursuant to chapter
34 656 of NRS from charging a fee to the public body for any services
35 relating to the transcription of a meeting; or

36 (b) Require a court reporter who transcribes a meeting to
37 provide a copy of any transcript, minutes or audio recording of the
38 meeting prepared by the court reporter to a member of the public at
39 no charge.

40 6. Except as otherwise provided in subsection 7, any portion of
41 a public meeting which is closed must also be recorded or
42 transcribed and the recording or transcript must be retained and
43 made available for inspection pursuant to the provisions of
44 subsection 2 relating to records of closed meetings. Any recording



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.

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:

1 If a local government employer is a party to a collective bargaining agreement
2 or similar agreement, existing law requires that the agreement be approved at a
3 public hearing by the governing body of the local government employer. (NRS
4 288.153) **Section 1** of this bill requires that a copy of the proposed agreement and
5 certain supporting material relating to the agreement be made available to the
6 public not less than 10 days before the hearing, either by posting the documents on
7 the Internet website of the local government or, if the local government does not
8 have such a website, by depositing the documents with the clerk of the governing
9 body. Any document so deposited is a public record and must be open for public
10 inspection.

11 Existing law provides for the public dissemination of any supporting material
12 provided to a public body in connection with a meeting of the body, and establishes
13 the time within which such material must be made available to the public. (NRS
14 241.020) **Section 2** of this bill revises those provisions to conform with the
15 requirements of **section 1**.



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

6 (d) An agenda consisting of:

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

9 (2) A list describing the items on which action may be taken
10 and clearly denoting that action may be taken on those items by
11 placing the term "for possible action" next to the appropriate item
12 or, if the item is placed on the agenda pursuant to NRS 241.0365, by
13 placing the term "for possible corrective action" next to the
14 appropriate item.

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

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

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

24 ↪ The provisions of this subparagraph do not prohibit a public body
25 from taking comments by the general public in addition to what is
26 required pursuant to sub-subparagraph (I) or (II). Regardless of
27 whether a public body takes comments from the general public
28 pursuant to sub-subparagraph (I) or (II), the public body must allow
29 the general public to comment on any matter that is not specifically
30 included on the agenda as an action item at some time before
31 adjournment of the meeting. No action may be taken upon a matter
32 raised during a period devoted to comments by the general
33 public until the matter itself has been specifically included on an
34 agenda as an item upon which action may be taken pursuant to
35 subparagraph (2).

36 (4) If any portion of the meeting will be closed to consider
37 the character, alleged misconduct or professional competence of a
38 person, the name of the person whose character, alleged misconduct
39 or professional competence will be considered.

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

44 (6) Notification that:

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



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

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

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

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

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

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

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

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

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

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

34 7. ~~{The}~~ *Unless the supporting material must be posted at an*
35 *earlier time pursuant to NRS 288.153, the governing body of a*
36 *county or city whose population is 45,000 or more shall post the*
37 *supporting material described in paragraph (c) of subsection 5 to its*
38 *website not later than the time the material is provided to the*
39 *members of the governing body or, if the supporting material is*
40 *provided to the members of the governing body at a meeting, not*
41 *later than 24 hours after the conclusion of the meeting. Such posting*
42 *is supplemental to the right of the public to request the supporting*
43 *material pursuant to subsection 5. The inability of the governing*
44 *body, as a result of technical problems with its website, to post*



SENATE BILL NO. 168—SENATORS SETTELMAYER,
GOICOECHEA, GUSTAVSON AND LIPPARELLI

FEBRUARY 17, 2015

JOINT SPONSORS: ASSEMBLYMEN KIRNER,
O'NEILL, TROWBRIDGE AND WHEELER

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to collective bargaining by local government employers. (BDR 23-602)

FISCAL NOTE: Effect on Local Government: No.
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 local governments; revising provisions relating to the reopening of a collective bargaining agreement during a period of fiscal emergency; excluding certain money from collective bargaining negotiations and from consideration in determining the ability of a local government to pay compensation and monetary benefits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law establishes certain mandatory subjects of bargaining in the
2 negotiation of a collective bargaining agreement between a local government
3 employer and a recognized employee organization. Among these mandatory
4 subjects is a requirement that the parties bargain over procedures and requirements
5 for the reopening and renegotiation of the agreement during periods of fiscal
6 emergency. Currently, the existence of such an emergency is determined on the
7 basis of revenue shortfalls or other criteria agreed to by the parties. (NRS 288.150)
8 **Section 1** of this bill authorizes a local government to reopen a collective
9 bargaining agreement during a fiscal emergency and sets forth the circumstances
10 under which such an emergency shall be deemed to exist. The procedural
11 requirements relating to the reopening of the agreement remain a mandatory subject
12 of bargaining.
13 Existing law provides for the resolution of an impasse in collective bargaining
14 through fact-finding, arbitration or both, but imposes limitations on the money that
15 a fact finder or arbitrator may consider in determining the financial ability of a local
16 government employer to pay compensation or monetary benefits. (NRS 288.200,



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- 1 (r) Safety of the employee.
2 (s) Teacher preparation time.
3 (t) Materials and supplies for classrooms.
4 (u) The policies for the transfer and reassignment of teachers.
5 (v) Procedures for reduction in workforce consistent with the
6 provisions of this chapter.
7 (w) Procedures ~~{and requirements}~~ *consistent with the*
8 *provisions of subsection 4* for the reopening of collective bargaining
9 agreements ~~{that exceed 1 year in duration}~~ for additional, further,
10 new or supplementary negotiations during periods of fiscal
11 emergency. ~~{The requirements for the reopening of a collective~~
12 ~~bargaining agreement must include, without limitation, measures of~~
13 ~~revenue shortfalls or reductions relative to economic indicators such~~
14 ~~as the Consumer Price Index, as agreed upon by both parties.}~~
15 3. Those subject matters which are not within the scope of
16 mandatory bargaining and which are reserved to the local
17 government employer without negotiation include:
18 (a) Except as otherwise provided in paragraph (u) of subsection
19 2, the right to hire, direct, assign or transfer an employee, but
20 excluding the right to assign or transfer an employee as a form of
21 discipline.
22 (b) The right to reduce in force or lay off any employee because
23 of lack of work or lack of money, subject to paragraph (v) of
24 subsection 2.
25 (c) The right to determine:
26 (1) Appropriate staffing levels and work performance
27 standards, except for safety considerations;
28 (2) The content of the workday, including without limitation
29 workload factors, except for safety considerations;
30 (3) The quality and quantity of services to be offered to the
31 public; and
32 (4) The means and methods of offering those services.
33 (d) Safety of the public.
34 4. Notwithstanding the provisions of any collective bargaining
35 agreement negotiated pursuant to this chapter, a local government
36 employer is entitled to ~~{take}~~ :
37 (a) *Reopen a collective bargaining agreement for additional,*
38 *further, new or supplementary negotiations relating to*
39 *compensation or monetary benefits during a period of fiscal*
40 *emergency. For the purposes of this section, a fiscal emergency*
41 *shall be deemed to exist:*
42 (1) *If the amount of revenue received by the general fund*
43 *of the local government employer during the last preceding fiscal*
44 *year from all sources, except any nonrecurring source, declined by*
45 *5 percent or more from the amount of revenue received by the*



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

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

4 2. Except as otherwise provided in *subsection 3 and* NRS
5 354.59891 and 354.613, to the extent that the reserve in any fund set
6 forth in paragraph (a) of subsection 5 of NRS 354.624 exceeds the
7 amount that is reasonable and necessary to carry out the purposes
8 for which the fund was created, the reserve may be expended by the
9 local government pursuant to the provisions of chapter 288 of NRS.

10 *3. For the purposes of chapter 288 of NRS, a budgeted*
11 *ending fund balance of not more than 25 percent of the total*
12 *budgeted expenditures, less capital outlay, for a general or special*
13 *revenue fund that receives revenue from property taxes or the*
14 *Local Government Tax Distribution Account:*

15 (a) *Is not subject to negotiations with an employee*
16 *organization; and*

17 (b) *Must not be considered by a fact finder or arbitrator in*
18 *determining the financial ability of the local government to pay*
19 *compensation or monetary benefits.*

20 **Sec. 3.** The amendatory provisions of this act do not apply
21 during the current term of any collective bargaining agreement
22 entered into before July 1, 2015, but do apply to any extension or
23 renewal of such an agreement and to any such agreement entered
24 into on or after July 1, 2015.

25 **Sec. 4.** This act becomes effective on July 1, 2015.



SENATE BILL NO. 185—SENATOR KIECKHEFER

FEBRUARY 23, 2015

Referred to Committee on Government Affairs

SUMMARY—Makes changes relating to fire and related emergency services in certain counties. (BDR 42-121)

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 suppression of fires; requiring the entity that is responsible for the closest emergency fire-fighting vehicle to respond to and suppress a fire in certain counties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes the municipalities of this State to provide fire
2 protection services. (NRS 268.730) Existing law also authorizes the creation of
3 districts for a fire department by boards of county commissioners and the creation
4 of fire protection districts and county fire protection districts. (NRS 244.2961,
5 473.034, 474.110, 474.460) This bill requires, in a county whose population is
6 100,000 or more but less than 700,000 (currently Washoe County), the entity that is
7 responsible for the emergency fire-fighting vehicle located closest to a fire to
8 respond to and take all actions necessary to suppress the fire regardless of whether
9 the location of the fire falls within the territory served by the entity.

1 WHEREAS, The provision of fire protection and related
2 emergency services is fundamental to what the people of this State
3 expect from their local governments; and
4 WHEREAS, Providing such services in a timely, effective and
5 efficient manner is critical to the protection of life and property; and
6 WHEREAS, The infighting that has continuously occurred for
7 several years between the entities that provide fire protection and
8 related emergency services in Washoe County threatens the lives
9 and property of the people of this State who reside in that county;
10 and



ASSEMBLY BILL NO. 94—ASSEMBLYMAN HANSEN

PREFILED JANUARY 30, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Authorizes a registered voter to elect to receive a sample ballot by electronic mail. (BDR 24-518)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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

AN ACT relating to elections; authorizing a registered voter to elect to receive a sample ballot by electronic mail; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires each county and city clerk to mail a sample ballot to each
2 registered voter in the applicable county or city. (NRS 293.565, 293C.530)
3 **Sections 2 and 4** of this bill require each county and city clerk to distribute a
4 sample ballot by electronic mail to each registered voter who elects to receive
5 sample ballots in that manner. **Sections 1, 3 and 5-10** of this bill make conforming
6 changes.

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

1 **Section 1.** NRS 293.097 is hereby amended to read as follows:
2 293.097 “Sample ballot” means a document distributed by a
3 county or city clerk upon which is ~~printed~~ *included* a list of the
4 offices, candidates and ballot questions that will appear on a ballot.
5 The term includes any such document which is ~~printed by~~
6 *prepared on* a computer ~~[-]~~ *and distributed by mail or electronic*
7 *mail.*
8 **Sec. 2.** NRS 293.565 is hereby amended to read as follows:
9 293.565 1. Except as otherwise provided in subsection 3,
10 sample ballots must include:
11 (a) If applicable, the statement required by NRS 293.267;



1 the voter of the location of his or her polling place. If the location of
2 the polling place has changed since the last election:

3 (a) The county clerk shall mail a notice of the change to each
4 registered voter in the county not sooner than 10 days before
5 ~~mailing~~ *distributing* the sample ballots; or

6 (b) The sample ballot must also include a notice in bold type
7 immediately above the location which states:

8

9 NOTICE: THE LOCATION OF YOUR POLLING PLACE
10 HAS CHANGED SINCE THE LAST ELECTION

11

12 ~~5.~~ 6. Except as otherwise provided in subsection ~~6.~~ 7, a
13 sample ballot required to be ~~mailed~~ *distributed* pursuant to this
14 section must:

15 (a) Be ~~printed~~ *prepared* in at least 12-point type; and

16 (b) Include on the front page, in a separate box created by bold
17 lines, a notice ~~printed~~ *prepared* in at least 20-point bold type that
18 states:

19

20 NOTICE: TO RECEIVE A SAMPLE BALLOT IN
21 LARGE TYPE, CALL (Insert appropriate telephone number)

22

23 ~~6.~~ 7. A portion of a sample ballot that contains a facsimile of
24 the display area of a voting device may include material in less than
25 12-point type to the extent necessary to make the facsimile fit on the
26 pages of the sample ballot.

27 ~~7.~~ 8. The sample ballot ~~mailed~~ *distributed* to a person who
28 requests a sample ballot in large type by exercising the option
29 provided pursuant to NRS 293.508, or in any other manner, must be
30 ~~printed~~ *prepared* in at least 14-point type, or larger when
31 practicable.

32 ~~8.~~ 9. If a person requests a sample ballot in large type, the
33 county clerk shall ensure that all future sample ballots ~~mailed~~
34 *distributed* to that person from the county are in large type.

35 ~~9.~~ 10. The county clerk shall include in each sample ballot a
36 statement indicating that the county clerk will, upon request of a
37 voter who is elderly or disabled, make reasonable accommodations
38 to allow the voter to vote at his or her polling place and provide
39 reasonable assistance to the voter in casting his or her vote,
40 including, without limitation, providing appropriate materials to
41 assist the voter. In addition, if the county clerk has provided
42 pursuant to subsection 4 of NRS 293.2955 for the placement at
43 centralized voting locations of specially equipped voting devices for
44 use by voters who are elderly or disabled, the county clerk shall
45 include in the sample ballot a statement indicating:



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1 ~~{2.}~~ 3. Except as otherwise provided in subsection ~~{4.}~~ 5, a
2 sample ballot required to be ~~{mailed}~~ *distributed* pursuant to this
3 section must:

- 4 (a) Be ~~{printed}~~ *prepared* in at least 12-point type;
5 (b) Include the description of the anticipated financial effect and
6 explanation of each citywide measure and advisory question,
7 including arguments for and against the measure or question, as
8 required pursuant to NRS 295.205 or 295.217; and
9 (c) Include on the front page, in a separate box created by bold
10 lines, a notice ~~{printed}~~ *prepared* in at least 20-point bold type that
11 states:

12
13 NOTICE: TO RECEIVE A SAMPLE BALLOT IN
14 LARGE TYPE, CALL (Insert appropriate telephone number)
15

16 ~~{3.}~~ 4. The word "Incumbent" must appear on the sample
17 ballot next to the name of the candidate who is the incumbent, if
18 required pursuant to NRS 293.2565.

19 ~~{4.}~~ 5. A portion of a sample ballot that contains a facsimile of
20 the display area of a voting device may include material in less than
21 12-point type to the extent necessary to make the facsimile fit on the
22 pages of the sample ballot.

23 ~~{5.}~~ 6. The sample ballot ~~{mailed}~~ *distributed* to a person who
24 requests a sample ballot in large type by exercising the option
25 provided pursuant to NRS 293.508, or in any other manner, must be
26 ~~{printed}~~ *prepared* in at least 14-point type, or larger when
27 practicable.

28 ~~{6.}~~ 7. If a person requests a sample ballot in large type, the
29 city clerk shall ensure that all future sample ballots ~~{mailed}~~
30 *distributed* to that person from the city are in large type.

31 ~~{7.}~~ 8. The city clerk shall include in each sample ballot a
32 statement indicating that the city clerk will, upon request of a voter
33 who is elderly or disabled, make reasonable accommodations to
34 allow the voter to vote at his or her polling place and provide
35 reasonable assistance to the voter in casting his or her vote,
36 including, without limitation, providing appropriate materials to
37 assist the voter. In addition, if the city clerk has provided pursuant to
38 subsection 4 of NRS 293C.281 for the placement at centralized
39 voting locations of specially equipped voting devices for use by
40 voters who are elderly or disabled, the city clerk shall include in the
41 sample ballot a statement indicating:

- 42 (a) The addresses of such centralized voting locations;
43 (b) The types of specially equipped voting devices available at
44 such centralized voting locations; and



- 1 (a) Be in the form required by NRS 266.032.
2 (b) Include the information required by NRS 266.032.
3 (c) Except as otherwise provided in subsection 3, be ~~printed~~
4 *prepared* in at least 12-point type.
5 (d) Describe the area proposed to be incorporated by assessor's
6 parcel maps, existing boundaries of subdivision or parcel maps,
7 identifying visible ground features, extensions of the visible ground
8 features, or by any boundary that coincides with the official
9 boundary of the State, a county, a city, a township, a section or any
10 combination thereof.
11 (e) Contain a copy of the map or plat that was submitted with
12 the petition pursuant to NRS 266.019 and depicts the existing
13 dedicated streets, sewer interceptors and outfalls and their proposed
14 extensions.
15 (f) Include on the front page, in a separate box created by bold
16 lines, a notice ~~printed~~ *prepared* in at least 20-point bold type that
17 states:

18
19 NOTICE: TO RECEIVE A SAMPLE BALLOT IN
20 LARGE TYPE, CALL (Insert appropriate telephone number)
21

22 3. A portion of a sample ballot that contains a facsimile of the
23 display area of a voting device may include material in less than 12-
24 point type to the extent necessary to make the facsimile fit on the
25 pages of the sample ballot.

26 4. The sample ballot ~~mailed~~ *distributed* to a person who
27 requests a sample ballot in large type by exercising the option
28 provided pursuant to NRS 293.508, or in any other manner, must be
29 ~~printed~~ *prepared* in at least 14-point type, or larger when
30 practicable.

31 5. If a person requests a sample ballot in large type, the county
32 clerk shall ensure that all future sample ballots ~~mailed~~ *distributed*
33 to that person from the county are in large type.

34 **Sec. 7.** NRS 266.034 is hereby amended to read as follows:

35 266.034 1. The costs incurred by the board of county
36 commissioners in carrying out the provisions relating to the
37 incorporation, including the costs incurred in certifying the petition,
38 publishing the notices, requesting the report pursuant to NRS
39 266.0261, conducting the public hearing and election, including the
40 cost of ~~mailing~~ *distributing* the sample ballots, and any appeal
41 pursuant to NRS 266.0265 are a charge against the county if the
42 proposed incorporation is not submitted to the voters or the
43 incorporation is disapproved by the voters, and a charge against
44 the incorporated city if the incorporation is approved by the voters.



1 (b) The average annual increase, if any, in the amount of
2 property taxes that an owner of a new home with a fair market value
3 of \$100,000 will pay for debt service on the general obligations to
4 be issued or incurred.

5 2. Except as otherwise provided in subsection 4, the sample
6 ballot required to be ~~mailed~~ *distributed* pursuant to NRS 293.565
7 or 293C.530 and the notice of election must contain:

8 (a) The time and places of holding the election.

9 (b) The hours during the day in which the polls will be open,
10 which must be the same as provided for general elections.

11 (c) The ballot question.

12 (d) The maximum amount of the obligations, including the
13 anticipated interest, separately stating the total principal, the total
14 anticipated interest and the anticipated interest rate.

15 (e) An estimate of the range of property tax rates stated in
16 dollars and cents per \$100 of assessed value necessary to provide for
17 debt service upon the obligations for the dates when they are to be
18 redeemed. The municipality shall, for each such date, furnish an
19 estimate of the assessed value of the property against which the
20 obligations are to be issued or incurred, and the governing body
21 shall estimate the tax rate based upon the assessed value of the
22 property as given in the assessor's estimates.

23 3. If an operating or maintenance rate is proposed in
24 conjunction with the question to issue obligations, the questions
25 may be combined, but the sample ballot and notice of election must
26 each state the tax rate required for the obligations separately from
27 the rate proposed for operation and maintenance.

28 4. Any election called pursuant to NRS 350.020 to 350.070,
29 inclusive, may be consolidated with a primary or general municipal
30 election or a primary or general state election. The notice of election
31 need not set forth the places of holding the election, but may instead
32 state that the places of holding the election will be the same as those
33 provided for the election with which it is consolidated.

34 5. If the election is a special election, the clerk shall cause
35 notice of the close of registration to be published in a newspaper
36 printed in and having a general circulation in the municipality once
37 in each calendar week for 2 successive calendar weeks next
38 preceding the close of registration for the election.

39 **Sec. 10.** NRS 350.027 is hereby amended to read as follows:

40 350.027 1. In addition to any requirements imposed pursuant
41 to NRS 350.024, any sample ballot required to be ~~mailed~~
42 *distributed* pursuant to NRS 293.565 or 293C.530 and any notice of
43 election, for an election that includes a proposal for the issuance by
44 any municipality of any bonds or other securities, including an
45 election that is not called pursuant to NRS 350.020 to 350.070,



ASSEMBLY BILL NO. 182—ASSEMBLYMEN KIRNER, WHEELER,
HAMBRICK; DICKMAN, EDWARDS, ELLISON, GARDNER,
JONES, NELSON AND OSCARSON

FEBRUARY 19, 2015

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to collective bargaining
by local government employers. (BDR 23-646)

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 local governments; prohibiting a local government employer from entering into an agreement to pay dues to an employee organization through deductions from compensation; prohibiting such an employer from providing paid leave or paying compensation or benefits for time spent by an employee in providing services to an employee organization; prohibiting the inclusion of certain employees in a bargaining unit; revising provisions relating to a reduction in force; providing that a collective bargaining agreement between a local government employer and a recognized employee organization expires for certain purposes at the end of the term stated in the agreement; requiring public notice of certain offers made in collective bargaining; eliminating final and binding fact-finding except upon the election of the governing body; removing a portion of the budgeted ending fund balance of certain governmental funds from the scope of collective bargaining and from consideration by a fact finder; eliminating statutory impasse arbitration for firefighters, police officers, teachers and educational support personnel; and providing other matters properly relating thereto.



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54 collective bargaining negotiations; and (2) must not be considered by a fact finder
55 in resolving issues of financial ability to pay.

56 Under existing law, an impasse in collective bargaining negotiations involving
57 firefighters, police officers, teachers or educational support personnel may be
58 submitted to an arbitrator, whose decision is final and binding. (NRS 288.215,
59 288.217) **Section 15** repeals those provisions, eliminating the statutory right to
60 arbitration as a means of impasse resolution.

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 *A local government employer shall not:*

4 1. *Agree with any of its employees or any employee*
5 *organization to deduct dues for an employee organization from the*
6 *compensation of the employee; or*

7 2. *Provide paid leave or otherwise pay from public money any*
8 *compensation or monetary benefits to or on behalf of any of its*
9 *employees for time spent by an employee in performing duties or*
10 *providing services for an employee organization.*

11 **Sec. 2.** NRS 288.075 is hereby amended to read as follows:

12 288.075 1. "Supervisory employee" means †

13 ~~—(a) Any~~ *any* individual having authority in the interest of the
14 employer to hire, transfer, suspend, lay off, recall, promote,
15 discharge, assign, reward or discipline other employees or
16 responsibility to direct them, to adjust their grievances or effectively
17 to recommend such action, if in connection with the foregoing, the
18 exercise of such authority is not of a merely routine or clerical
19 nature, but requires the use of independent judgment. The exercise
20 of such authority shall not be deemed to place the employee in
21 supervisory employee status unless the exercise of such authority
22 occupies a significant portion of the employee's workday. ‡

23 ~~—(b) Any individual or class of individuals appointed by the~~
24 ~~employer and having authority on behalf of the employer to:~~

25 ~~—(1) Hire, transfer, suspend, lay off, recall, terminate,~~
26 ~~promote, discharge, assign, reward or discipline other employees or~~
27 ~~responsibility to direct them, to adjust their grievances or to~~
28 ~~effectively recommend such action;~~

29 ~~—(2) Make budgetary decisions; and~~

30 ~~—(3) Be consulted on decisions relating to collective~~
31 ~~bargaining;~~

32 ~~↪ if, in connection with the foregoing, the exercise of such~~
33 ~~authority is not of a merely routine or clerical nature, but requires~~
34 ~~the use of independent judgment. The exercise of such authority~~



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1 ~~chapter 634 of NRS, chapter 634A of NRS, chapter 635 of NRS or~~
2 ~~chapter 636 of NRS.~~

3 **Sec. 4.** NRS 288.150 is hereby amended to read as follows:

4 288.150 1. Except as *otherwise* provided in subsection 4 ~~{,}~~
5 *and NRS 354.6241*, every local government employer shall
6 negotiate in good faith through one or more representatives of its
7 own choosing concerning the mandatory subjects of bargaining set
8 forth in subsection 2 with the designated representatives of the
9 recognized employee organization, if any, for each appropriate
10 bargaining unit among its employees. If either party so requests,
11 agreements reached must be reduced to writing.

12 2. The scope of mandatory bargaining is limited to:

13 (a) Salary or wage rates or other forms of direct monetary
14 compensation.

15 (b) Sick leave.

16 (c) Vacation leave.

17 (d) Holidays.

18 (e) Other paid or nonpaid leaves of absence.

19 (f) Insurance benefits.

20 (g) Total hours of work required of an employee on each
21 workday or workweek.

22 (h) Total number of days' work required of an employee in a
23 work year.

24 (i) Discharge and disciplinary procedures.

25 (j) Recognition clause.

26 (k) The method used to classify employees in the bargaining
27 unit.

28 ~~{l} Deduction of dues for the recognized employee~~
29 ~~organization.~~

30 ~~{m} Protection of employees in the bargaining unit from~~
31 ~~discrimination because of participation in recognized employee~~
32 ~~organizations consistent with the provisions of this chapter.~~

33 ~~{n} (m) No-strike provisions consistent with the provisions of~~
34 ~~this chapter.~~

35 ~~{o} (n) Grievance and arbitration procedures for resolution of~~
36 ~~disputes relating to interpretation or application of collective~~
37 ~~bargaining agreements.~~

38 ~~{p} (o) General savings clauses.~~

39 ~~{q} (p) Duration of collective bargaining agreements.~~

40 ~~{r} (q) Safety of the employee.~~

41 ~~{s} (r) Teacher preparation time.~~

42 ~~{t} (s) Materials and supplies for classrooms.~~

43 ~~{u} (t) The policies for the transfer and reassignment of~~
44 ~~teachers.~~



1 6. This section does not preclude, but this chapter does not
2 require, the local government employer to negotiate subject matters
3 enumerated in subsection 3 which are outside the scope of
4 mandatory bargaining. The local government employer shall discuss
5 subject matters outside the scope of mandatory bargaining but it is
6 not required to negotiate those matters.

7 7. Contract provisions presently existing in signed and ratified
8 agreements as of May 15, 1975, at 12 p.m. remain negotiable.

9 **Sec. 5.** NRS 288.151 is hereby amended to read as follows:

10 288.151 1. *Except as otherwise provided in subsection 2, if*
11 *a local government employer eliminates or reduces any service*
12 *provided by its employees, it may effectuate a layoff or reduction*
13 *in its workforce directed to those employees on the basis of any*
14 *factors it deems appropriate, without regard to the seniority of*
15 *those employees.*

16 2. If the board of trustees of a school district determines that a
17 reduction in the existing workforce of the licensed educational
18 personnel in the school district is necessary, the decision to lay off a
19 teacher or an administrator must not be based solely on the seniority
20 of the teacher or administrator and may include, without limitation,
21 a consideration of the following factors:

22 ~~{1.}~~ (a) Whether the teacher or administrator is employed in a
23 position which is hard to fill;

24 ~~{2.}~~ (b) Whether the teacher or administrator has received a
25 national board certification;

26 ~~{3.}~~ (c) The performance evaluations of the teacher or
27 administrator;

28 ~~{4.}~~ (d) The disciplinary record of the teacher or administrator
29 within the school district;

30 ~~{5.}~~ (e) The criminal record of the teacher or administrator, if
31 any;

32 ~~{6.}~~ (f) The type of licensure held by the teacher or
33 administrator; and

34 ~~{7.}~~ (g) The type of degree attained by the teacher or
35 administrator and whether the degree is in a subject area that is
36 related to his or her position.

37 **Sec. 6.** NRS 288.155 is hereby amended to read as follows:

38 288.155 ~~{Agreements entered into between local government~~
39 ~~employers and employee organizations pursuant to this chapter~~
40 ~~may}~~

41 1. *A collective bargaining agreement:*

42 (a) *May* extend beyond the term of office of any member or
43 officer of the local government employer.

44 (b) *Expires for the purposes of subsection 2 at the end of the*
45 *term stated in the agreement, notwithstanding any provision of the*



1 administered by the bargaining unit of which they would otherwise
2 be a member.

3 —5.† 3. *The following local government employees may not be*
4 *members of a bargaining unit:*

5 (a) *A supervisory employee.*

6 (b) *A school administrator above the rank of teacher,*
7 *including, without limitation, a principal, assistant principal,*
8 *superintendent, associate superintendent or assistant*
9 *superintendent.*

10 (c) *An administrative employee.*

11 (d) *An attorney who is assigned to a civil law division,*
12 *department or agency.*

13 (e) *A doctor or physician.*

14 (f) *A confidential employee, but such an employee is entitled to*
15 *participate in any plan to provide benefits for the bargaining unit*
16 *of which he or she would otherwise be a member.*

17 ↪ *Any dispute between the parties as to whether a local*
18 *government employee is a type of employee excluded from a*
19 *bargaining unit must be submitted to the Board.*

20 4. *If any employee organization is aggrieved by the*
21 *determination of a bargaining unit, it may appeal to the Board.*
22 *Subject to judicial review, the decision of the Board is binding upon*
23 *the local government employer and employee organizations*
24 *involved. The Board shall apply the same criterion as specified in*
25 *subsection 1.*

26 †6.† 5. *As used in this section:*

27 (a) *“Confidential employee” means an employee who is*
28 *involved in the decisions of management affecting collective*
29 *bargaining †† or whose duties entail access to proprietary or*
30 *confidential information.*

31 (b) †*“Supervisory employee” means a supervisory employee*
32 *described in paragraph (a) of subsection 1 of NRS 288.075.†*
33 *“Doctor or physician” means a physician, homeopathic physician,*
34 *osteopathic physician, chiropractic physician, doctor of Oriental*
35 *medicine, podiatric physician or practitioner of optometry, as*
36 *those terms are defined or used, respectively, in NRS 630.014,*
37 *630A.050 or 633.091 or chapter 634, 634A, 635 or 636 of NRS.*

38 (c) *“Firefighter” means a salaried employee of a fire*
39 *prevention or suppression unit organized by a political subdivision*
40 *of the State whose principal duty is to control and extinguish fires.*

41 (d) *“Police officer” means a salaried employee of a police*
42 *department or other law enforcement agency organized by a*
43 *political subdivision of the State whose principal duty is to enforce*
44 *the law.*



1 **Sec. 9.** NRS 288.190 is hereby amended to read as follows:
2 288.190 ~~{Except in cases to which NRS 288.205 and 288.215~~
3 ~~apply.}~~

4 1. Anytime before March 1, the dispute may be submitted to a
5 mediator, if both parties agree. Anytime after March 1, either party
6 involved in negotiations may request a mediator. If the parties do
7 not agree upon a mediator, the Commissioner shall submit to the
8 parties a list of seven potential mediators. The parties shall select
9 their mediator from the list by alternately striking one name until the
10 name of only one mediator remains, who will be the mediator to
11 hear the dispute. The employee organization shall strike the first
12 name.

13 2. If mediation is agreed to or requested pursuant to subsection
14 1, the mediator must be selected at the time the parties agree upon a
15 mediator or, if the parties do not agree upon a mediator, within 5
16 days after the parties receive the list of potential mediators from the
17 Commissioner.

18 3. The mediator shall bring the parties together as soon as
19 possible and, unless otherwise agreed upon by the parties, attempt to
20 settle the dispute within 30 days after being notified of the
21 mediator's selection as mediator. The mediator may establish the
22 times and dates for meetings and compel the parties to attend but
23 has no power to compel the parties to agree.

24 4. The local government employer and employee organization
25 each shall pay one-half of the cost of mediation. Each party shall
26 pay its own costs of preparation and presentation of its case in
27 mediation.

28 5. *If the parties reach agreement through mediation during*
29 *the term of an existing contract between the parties, the new*
30 *contract must become effective upon the expiration of the existing*
31 *contract. If the parties reach agreement after the end of that term,*
32 *the new agreement must be effective retroactively to the expiration*
33 *date of the last contract unless the parties otherwise agree.*

34 6. If the dispute is submitted to a mediator and then submitted
35 to a fact finder ~~{, the}~~ :

36 (a) *The governing body of the local government employer*
37 *shall:*

38 (1) *Publish on the Internet website, if any, of the local*
39 *government the final offers made by the parties during mediation;*
40 *and*

41 (2) *Hold a public meeting in accordance with the provisions*
42 *of chapter 241 of NRS to inform the public of those offers.*

43 (b) *The mediator shall, within 15 days after the last meeting*
44 *between the parties, give to the Commissioner of the Board a report*
45 *of the efforts made to settle the dispute.*



1 ~~findings and recommendations of a fact finder on all or any~~
2 ~~specified issues in a particular dispute which are within the scope of~~
3 ~~subsection 11 are to be final and binding. The determination must be~~
4 ~~made upon the concurrence of at least two members of the panel and~~
5 ~~not later than the date which is 30 days after the date on which the~~
6 ~~matter is submitted to the panel, unless that date is extended by the~~
7 ~~Commissioner of the Board. Each panel shall, when making its~~
8 ~~determination, consider whether the parties have bargained in good~~
9 ~~faith and whether it believes the parties can resolve any remaining~~
10 ~~issues. Any panel may also consider the actions taken by the parties~~
11 ~~in response to any previous fact finding between these parties, the~~
12 ~~best interests of the State and all its citizens, the potential fiscal~~
13 ~~effect both within and outside the political subdivision, and any~~
14 ~~danger to the safety of the people of the State or a political~~
15 ~~subdivision.] *Before the fact finder makes a recommendation or*~~
16 ~~*award, the governing body of the local government employer*~~
17 ~~*shall:*~~

18 *(a) Publish on the Internet website, if any, of the local*
19 *government the final offers made by the parties during fact-*
20 *finding; and*

21 *(b) Hold a public meeting in accordance with the provisions of*
22 *chapter 241 of NRS to inform the public of those offers.*

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

27 (a) A preliminary determination must be made as to the financial
28 ability of the local government employer based on all existing
29 available revenues as established by the local government employer
30 and within the limitations set forth in NRS 354.6241, with due
31 regard for the obligation of the local government employer to
32 provide facilities and services guaranteeing the health, welfare and
33 safety of the people residing within the political subdivision.

34 (b) Once the fact finder has determined in accordance with
35 paragraph (a) that there is a current financial ability to grant
36 monetary benefits, and subject to the provisions of paragraph (c),
37 the fact finder shall consider, to the extent appropriate,
38 compensation of other government employees, both in and out of
39 the State and use normal criteria for interest disputes regarding the
40 terms and provisions to be included in an agreement in assessing the
41 reasonableness of the position of each party as to each issue in
42 dispute and the fact finder shall consider whether the Board found
43 that either party had bargained in bad faith.

44 (c) A consideration of funding for the current year being
45 negotiated. If the parties mutually agree to arbitrate a multiyear



1 *between the parties, the findings and recommendations must*
2 *become effective upon the expiration of the existing contract. If*
3 *the findings and recommendations are made after the end of that*
4 *term, they must be effective retroactively to the expiration date of*
5 *the last contract between the parties unless the parties otherwise*
6 *agree.*

7 **Sec. 11.** NRS 288.280 is hereby amended to read as follows:
8 288.280 Any controversy concerning *a practice* prohibited
9 ~~practices~~ by NRS 288.270 may be submitted to the Board in the
10 same manner and with the same effect as provided in NRS 288.110,
11 except that an alleged failure to provide information as provided by
12 NRS 288.180 shall be heard and determined by the Board as soon as
13 possible after the complaint is filed with the Board.

14 **Sec. 12.** NRS 353.264 is hereby amended to read as follows:
15 353.264 1. The Reserve for Statutory Contingency Account
16 is hereby created in the State General Fund.

17 2. The State Board of Examiners shall administer the Reserve
18 for Statutory Contingency Account. The money in the Account must
19 be expended only for:

20 (a) The payment of claims which are obligations of the State
21 pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310,
22 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, ~~288.203,~~
23 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

24 (b) The payment of claims which are obligations of the State
25 pursuant to:

26 (1) Chapter 472 of NRS arising from operations of the
27 Division of Forestry of the State Department of Conservation and
28 Natural Resources directly involving the protection of life and
29 property; and

30 (2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,
31 ↪ except that claims may be approved for the respective purposes
32 listed in this paragraph only when the money otherwise appropriated
33 for those purposes has been exhausted;

34 (c) The payment of claims which are obligations of the State
35 pursuant to NRS 41.0349 and 41.037, but only to the extent that the
36 money in the Fund for Insurance Premiums is insufficient to pay the
37 claims; and

38 (d) The payment of claims which are obligations of the State
39 pursuant to NRS 535.030 arising from remedial actions taken by the
40 State Engineer when the condition of a dam becomes dangerous to
41 the safety of life or property.

42 3. The State Board of Examiners may authorize its Clerk or a
43 person designated by the Clerk, under such circumstances as it
44 deems appropriate, to approve, on behalf of the Board, the payment
45 of claims from the Reserve for Statutory Contingency Account. For



1 the agreement that it remains in effect, in whole or in part, after that
2 date until a successor agreement becomes effective.

3 2. The provisions of paragraph (d) of subsection 3 of NRS
4 288.170, as amended by section 7 of this act, do not apply with
5 respect to an attorney for the duration of a collective bargaining
6 agreement to which the attorney is a party as of July 1, 2011.

7 **Sec. 15.** NRS 288.201, 288.202, 288.203, 288.205, 288.215
8 and 288.217 are hereby repealed.

9 **Sec. 16.** This act becomes effective on July 1, 2015.

LEADLINES OF REPEALED SECTIONS

288.201 Request for formation of panel to determine whether findings and recommendations of fact finder are final and binding.

288.202 Formation of panel to determine whether findings and recommendations of fact finder are final and binding.

288.203 Compensation of members of panel; claims.

288.205 Submission of dispute between certain employees and local government employer to fact finder: Time limited for certain matters.

288.215 Submission of dispute between firefighters of police officers and local government employer to arbitrator; hearing; determination of financial ability of local government employer; negotiations and final offer; content of decision.

288.217 Submission of dispute between school district and employee organization to arbitrator; hearing; determination of financial ability of school district; negotiations and final offer; effect of decision of arbitrator; content of decision.



