

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 42, As Amended in the Senate

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO LABOR NEGOTIATIONS; AMENDING SECTION 74-206A, IDAHO CODE, TO PROVIDE THAT LABOR NEGOTIATION ARBITRATORS, FACT FINDERS, MEDIATORS, OR FACILITATORS SHALL MEET IN OPEN SESSION WHEN MEETING WITH BOTH PARTIES TO THE NEGOTIATION AT THE SAME TIME; AND REPEALING SECTION 4, CHAPTER 271, LAWS OF 2015, RELATING TO THE SUNSET DATE OF THE SECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 74-206A, Idaho Code, be, and the same is hereby amended to read as follows:

74-206A. NEGOTIATIONS IN OPEN SESSION. (1) All negotiations between a governing body and a labor organization shall be in open session and shall be available for the public to attend. This requirement also applies to negotiations between the governing body's designated representatives and representatives of the labor organization. This requirement shall also apply to meetings with any labor negotiation arbitrators, fact finders, mediators or similar labor dispute meeting facilitators when meeting with both parties to the negotiation at the same time. Provided, however, a governing body or its designated representatives may hold an executive session for the specific purpose of:

(a) ~~Considering~~ Deliberating on a labor contract offer or to formulate a counteroffer; or

(b) Receiving information about a specific employee, when the information has a direct bearing on the issues being negotiated and a reasonable person would conclude that the release of that information would violate that employee's right to privacy.

(2) All documentation exchanged between the parties during negotiations, including all offers, counteroffers and meeting minutes, shall be subject to public writings disclosure laws.

(3) Any other provision of law notwithstanding, including any other provisions to the contrary in sections 33-402 and 74-204, Idaho Code, the governing body shall post notice of all negotiation sessions at the earliest possible time practicable. This shall be done by the governing body by immediately posting notice of the negotiation session on the front page of its official website. If time permits, the governing body shall also post notice within twenty-four (24) hours at its regular meeting physical posting locations.

(4) Public testimony, if any, shall be posted as an agenda item.

SECTION 2. That Section 4, Chapter 271, Laws of 2015, be, and the same is hereby repealed.