

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 487

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO LABOR; AMENDING SECTION 67-2345, IDAHO CODE, TO REMOVE PROVI-
2 SIONS RELATING TO LABOR NEGOTIATIONS CONDUCTED IN EXECUTIVE SESSION
3 AND TO PROVIDE THAT CONSIDERATION OF LABOR CONTRACT OFFERS MAY BE HELD
4 IN EXECUTIVE SESSION; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE
5 ADDITION OF A NEW SECTION 67-2359, IDAHO CODE, TO ESTABLISH PROVISIONS
6 RELATING TO NEGOTIATIONS IN OPEN SESSION AND TO PROVIDE FOR NOTICE; AND
7 REPEALING SECTION 33-1273A, IDAHO CODE, RELATING TO NEGOTIATIONS IN
8 OPEN SESSION.
9

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

11 SECTION 1. That Section 67-2345, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 67-2345. EXECUTIVE SESSIONS -- WHEN AUTHORIZED. (1) An executive ses-
14 sion at which members of the public are excluded may be held, but only for the
15 purposes and only in the manner set forth in this section. The motion to go
16 into executive session shall identify the specific subsections of this sec-
17 tion that authorize the executive session. There shall be a roll call vote on
18 the motion and the vote shall be recorded in the minutes. An executive ses-
19 sion shall be authorized by a two-thirds (2/3) vote of the governing body. An
20 executive session may be held:

21 (a) To consider hiring a public officer, employee, staff member or in-
22 dividual agent, wherein the respective qualities of individuals are to
23 be evaluated in order to fill a particular vacancy or need. This para-
24 graph does not apply to filling a vacancy in an elective office or delib-
25 erations about staffing needs in general;

26 (b) To consider the evaluation, dismissal or disciplining of, or to
27 hear complaints or charges brought against, a public officer, employee,
28 staff member or individual agent, or public school student;

29 (c) To ~~conduct deliberations concerning labor negotiations or to ac-~~
30 ~~quire an interest in real property which is not owned by a public agency;~~

31 (d) To consider records that are exempt from disclosure as provided in
32 chapter 3, title 9, Idaho Code;

33 (e) To consider preliminary negotiations involving matters of trade or
34 commerce in which the governing body is in competition with governing
35 bodies in other states or nations;

36 (f) To communicate with legal counsel for the public agency to discuss
37 the legal ramifications of and legal options for pending litigation, or
38 controversies not yet being litigated but imminently likely to be liti-
39 gated. The mere presence of legal counsel at an executive session does
40 not satisfy this requirement;

41 (g) By the commission of pardons and parole, as provided by law;

1 (h) By the custody review board of the Idaho department of juvenile cor-
2 rections, as provided by law; ~~or~~

3 (i) To engage in communications with a representative of the public
4 agency's risk manager or insurance provider to discuss the adjustment
5 of a pending claim or prevention of a claim imminently likely to be
6 filed. The mere presence of a representative of the public agency's
7 risk manager or insurance provider at an executive session does not sat-
8 isfy this requirement; or

9 (j) To consider labor contract offers and counteroffers.

10 (2) ~~Labor negotiations may be conducted in executive session if either~~
11 ~~side requests closed meetings. Notwithstanding the provisions of section~~
12 ~~67-2343, Idaho Code, subsequent sessions of the negotiations may continue~~
13 ~~without further public notice.~~

14 ~~(3) The exceptions to the general policy in favor of open meetings~~
15 ~~stated in this section shall be narrowly construed. It shall be a violation~~
16 ~~of this act to change the subject within the executive session to one not~~
17 ~~identified within the motion to enter the executive session or to any topic~~
18 ~~for which an executive session is not provided.~~

19 ~~(4) No executive session may be held for the purpose of taking any fi-~~
20 ~~nal action or making any final decision.~~

21 SECTION 2. That Chapter 23, Title 67, Idaho Code, be, and the same is
22 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
23 ignated as Section 67-2359, Idaho Code, and to read as follows:

24 67-2359. NEGOTIATIONS IN OPEN SESSION. (1) All negotiations between a
25 governing board and a labor organization shall be in open session and shall
26 be available for the public to attend. This requirement also applies to
27 negotiations between the governing board's designated representatives and
28 representatives of the labor organization.

29 (2) Any other provision of law notwithstanding, including any other
30 provisions to the contrary in sections 33-402 and 67-2343, Idaho Code, the
31 governing body shall post notice of all negotiation sessions at the earli-
32 est possible time practicable. This shall be done by the governing body by
33 immediately posting notice of the negotiation session on the front page of
34 its official website. If time permits, the governing body shall also post
35 notice within twenty-four (24) hours at its regular meeting physical posting
36 locations.

37 SECTION 3. That Section 33-1273A, Idaho Code, be, and the same is hereby
38 repealed.