

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 42

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO LABOR NEGOTIATIONS; AMENDING SECTION 74-206A, IDAHO CODE, TO
2 PROVIDE THAT LABOR NEGOTIATION ARBITRATORS, FACT FINDERS, MEDIATORS,
3 OR FACILITATORS SHALL MEET IN OPEN SESSION WHEN MEETING WITH BOTH PAR-
4 TIES TO THE NEGOTIATION AT THE SAME TIME AND TO CLARIFY THAT DECISIONS
5 REGARDING LABOR CONTRACT OFFERS AND COUNTEROFFERS MUST BE MADE IN OPEN
6 SESSION; AND REPEALING SECTION 4, CHAPTER 271, LAWS OF 2015, RELATING TO
7 THE SUNSET DATE OF THE SECTION.
8

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

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

12 74-206A. NEGOTIATIONS AND DECISIONS IN OPEN SESSION. (1) All negotia-
13 tions between a governing body and a labor organization shall be in open ses-
14 sion and shall be available for the public to attend. This requirement also
15 applies to negotiations between the governing body's designated representa-
16 tives and representatives of the labor organization. This requirement shall
17 also apply to meetings with any labor negotiation arbitrators, fact finders,
18 mediators or similar labor dispute meeting facilitators when meeting with
19 both parties to the negotiation at the same time. Provided, however, a gov-
20 erning body or its designated representatives may hold an executive session
21 for the specific purpose of:

22 (a) Considering Deliberating on a labor contract offer or to formulate
23 a counteroffer, provided that all decisions regarding a labor contract
24 offer or counteroffers are made in open session; or

25 (b) Receiving information about a specific employee, when the informa-
26 tion has a direct bearing on the issues being negotiated and a reason-
27 able person would conclude that the release of that information would
28 violate that employee's right to privacy.

29 (2) All documentation exchanged between the parties during negotia-
30 tions, including all offers, counteroffers and meeting minutes, shall be
31 subject to public writings disclosure laws.

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

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

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