

LFC Requester:	Conner Jorgensen
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date January 29, 2015
Bill No: SB 264-305

Sponsor: Sen. William Payne **Agency Code:** Attorney General's Office
Short Public Employee Bargaining **Person Writing** Jennifer Salazar
Title: Public Meetings **Phone:** 827-6990 **Email** jsalazar@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis:

SB 264 would amend the Public Employee Bargaining Act (“PEBA”), NMSA 1978, Sections 10-7E-1 through -26 (2003, as amended through 2005). Specifically, the Bill seeks to amend Section 10-7E-17(G) of the PEBA which currently authorizes the closure of the following meetings related to collective bargaining: (1) meetings for the “discussion of bargaining strategy” prior to collective bargaining negotiations; (2) collective bargaining sessions; and (3) consultation and impasse resolution procedures at which the public employer and the exclusive representative of the appropriate bargaining unit are present. The Bill seeks to amend the language in Section 10-7E-17(G) to make the following meetings open to the public: (1) collective bargaining sessions; and (2) consultation and impasse resolution procedures.

In addition, under the proposed amendment, reasonable notice of public meetings must be given to the public by publication on the web site of the appropriate state agency prior to the time the meeting is scheduled.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

The proposed amendment would conflict with Section 10-15-1(H)(5) of the Open Meetings Act, NMSA 1978, §§ 10-15-1 to -4 (as amended through 2013), which currently authorizes the closure of the following meetings pertaining to collective bargaining: (1) meetings for the discussion of bargaining strategy prior to collective bargaining negotiations; and (2) collective bargaining sessions at which the “policymaking body” and “representative of the collective bargaining unit” are present.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

The legislative proposal would require publication of certain collective bargaining meetings on the web site of the “appropriate *state agency*.” A state agency is not, however, always involved in collective bargaining negotiations as the public employer. See 10-7E-4(S) (defining “public employer” to include the state as well as political subdivisions and municipalities that have adopted a home rule charter).

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A