

**FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019**

March 7, 2019

Mr. Speaker:

Your **LABOR, VETERANS & MILITARY AFFAIRS COMMITTEE**, to whom has been referred

HOUSE BILL 659

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 23, between lines 3 and 4, insert a new section as follows:

"SECTION 12. Section 10-7E-18 NMSA 1978 (being Laws 2003, Chapter 4, Section 18 and Laws 2003, Chapter 5, Section 18) is amended to read:

"10-7E-18. IMPASSE RESOLUTION.--

A. The following negotiations and impasse procedures shall be followed by the state and exclusive representatives for state employees:

(1) a request to the state for the commencement of initial negotiations shall be filed in writing by the exclusive representative no later than June 1 of the year in which negotiations are to take place. Negotiations shall begin no later than July 1 of that year;

(2) in subsequent years, negotiations agreed to by the parties shall begin no later than August 1 following the submission of written notice to the state by the exclusive representative no later than July 1 of the year in which negotiations are to take place;

(3) if an impasse occurs during negotiations between the parties, [~~and if an agreement is not reached by the parties by October 1~~] either party may request mediation services from the board. A mediator from the federal mediation and conciliation service shall be assigned by the board to assist in negotiations unless the parties agree to another mediator;

(4) the mediator shall provide services to the parties until the parties reach agreement or the mediator believes that mediation services are no longer helpful or until [~~November 1~~]

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thirty days after the mediator was requested, whichever occurs first; and

(5) if the impasse continues after [~~November 1~~] the time described in Paragraph (4) of this subsection, either party may request a list of seven arbitrators from the federal mediation and conciliation service. One arbitrator shall be chosen by the parties by alternately striking names from such list. Who strikes first shall be determined by coin toss. The arbitrator shall render a final, binding, written decision resolving unresolved issues pursuant to Subsection E of Section [~~17 of the Public Employee Bargaining Act~~] 10-7E-17 NMSA 1978 and the Uniform Arbitration Act no later than thirty days after the arbitrator has been notified of [~~his or her~~] selection by the parties. The arbitrator's decision shall be limited to a selection of one of the two parties' complete, last, best offer. The costs of an arbitrator and the arbitrator's related costs conducted pursuant to this subsection shall be shared equally by the parties. Each party shall be responsible for bearing the cost of presenting its case. The decision shall be subject to judicial review pursuant to the standard set forth in the Uniform Arbitration Act.

B. The following impasse procedures shall be followed by all public employers and exclusive representatives, except the state and the state's exclusive representatives:

(1) if an impasse occurs, either party may request from the board or local board that a mediator be assigned to the negotiations unless the parties can agree on a mediator. A mediator with the federal mediation and conciliation service shall be assigned by the board or local board to assist negotiations unless the parties agree to another mediator; and

(2) if the impasse continues after a thirty-day mediation period, either party may request a list of seven arbitrators from the federal mediation and conciliation service. One arbitrator shall be chosen by the parties by alternately striking names from such list. Who strikes first shall be determined by coin toss. The arbitrator shall render a final, binding, written decision resolving unresolved issues pursuant to Subsection E of Section [~~17 of the Public Employee Bargaining Act~~] 10-7E-17 NMSA 1978 and the Uniform Arbitration Act no later than

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thirty days after the arbitrator has been notified of [~~his or her~~] selection by the parties. The arbitrator's decision shall be limited to a selection of one of the two parties' complete, last, best offer. The costs of an arbitrator and the arbitrator's related costs conducted pursuant to this subsection shall be shared equally by the parties. Each party shall be responsible for bearing the cost of presenting its case. The decision shall be subject to judicial review pursuant to the standard set forth in the Uniform Arbitration Act.

C. A public employer other than the state may enter into a written agreement with the exclusive representative setting forth an alternative impasse resolution procedure.

D. In the event that an impasse continues after the expiration of a contract, the existing contract will continue in full force and effect until it is replaced by a subsequent written agreement. However, this shall not require the public employer to increase any employees' levels, steps or grades of compensation contained in the existing contract."".

2. Renumber the succeeding section accordingly.,
and thence referred to the **JUDICIARY COMMITTEE.**

Respectfully submitted,

Eliseo Lee Alcon, Chair

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

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The roll call vote was 4 For 3 Against
Yes: 4
No: Black, Gallegos, DM, Lewis
Excused: Stapleton, Trujillo, L.
Absent: None

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