

REFERENCE TITLE: public employees; activities; unions; compensation

State of Arizona  
Senate  
Fifty-first Legislature  
First Regular Session  
2013

## **SB 1348**

Introduced by  
Senators Murphy, Burges; Representatives Kwasman, Seel, Smith; Senators  
Barto, Biggs, Griffin, Shooter, Ward, Yarbrough; Representatives Gray,  
Stevens, Thorpe

AN ACT

AMENDING TITLE 23, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7;  
RELATING TO PUBLIC SECTOR UNION EMPLOYMENT BARGAINS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 23, chapter 8, Arizona Revised Statutes, is amended  
3 by adding article 7, to read:

4 ARTICLE 7. PUBLIC SECTOR UNION EMPLOYMENT BARGAINS

5 23-1421. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "EMPLOYMENT BARGAIN" MEANS ANY FORMAL OR INFORMAL EMPLOYMENT  
8 CONTRACT, AGREEMENT OR UNDERSTANDING REGARDING THE WAGES, BENEFITS OR TERMS  
9 AND CONDITIONS OF EMPLOYMENT OF ANY PUBLIC EMPLOYEE.

10 2. "PUBLIC EMPLOYEE" MEANS ANY INDIVIDUAL WHO IS EMPLOYED BY A PUBLIC  
11 EMPLOYER.

12 3. "PUBLIC EMPLOYER" MEANS ANY BRANCH, DEPARTMENT, DIVISION, OFFICE,  
13 AGENCY OR POLITICAL SUBDIVISION OF THIS STATE THAT HAS EMPLOYEES.

14 4. "UNION" MEANS ANY ASSOCIATION OR ORGANIZATION, INCORPORATED OR  
15 UNINCORPORATED, THAT PRIMARILY EXISTS TO REPRESENT THE INTERESTS OF MEMBER  
16 EMPLOYEES IN WAGES, BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT.

17 5. "UNION ACTIVITIES" MEANS ACTIVITIES THAT ARE PERFORMED BY A UNION,  
18 UNION MEMBERS OR REPRESENTATIVES THAT RELATE TO ADVOCATING THE INTERESTS OF  
19 MEMBER EMPLOYEES IN WAGES, BENEFITS, TERMS AND CONDITIONS OF EMPLOYMENT OR  
20 THE ENFORCEMENT, FULFILLMENT OR ADVANCEMENT OF THE UNION'S ORGANIZATIONAL  
21 PURPOSES, OBLIGATIONS, EXTERNAL RELATIONS OR INTERNAL POLICIES AND  
22 PROCEDURES.

23 23-1422. Public employee compensation; enforcement

24 A. A PUBLIC EMPLOYER SHALL NOT ENTER INTO ANY EMPLOYMENT BARGAIN WITH  
25 ANY PUBLIC EMPLOYEE OR UNION TO COMPENSATE ANY PUBLIC EMPLOYEE OR THIRD PARTY  
26 FOR UNION ACTIVITIES. ANY EMPLOYMENT BARGAIN THAT INCLUDES COMPENSATION TO  
27 PUBLIC EMPLOYEES OR THIRD PARTIES FOR UNION ACTIVITIES IS DECLARED TO BE  
28 AGAINST THE PUBLIC POLICY OF THIS STATE AND IS VOID.

29 B. THIS SECTION DOES NOT:

30 1. PROHIBIT A PUBLIC EMPLOYEE FROM RECEIVING COMPENSATED LEAVE TIME  
31 FOR ANY PERSONAL PURPOSE.

32 2. PROHIBIT A LAW ENFORCEMENT OFFICER, AS DEFINED IN SECTION 38-1101,  
33 FROM ENGAGING IN ACTIVITIES ON BEHALF OF A UNION, INCLUDING REPRESENTATION OF  
34 OTHER LAW ENFORCEMENT OFFICERS PURSUANT TO TITLE 38, CHAPTER 8, EXCEPT THAT A  
35 LAW ENFORCEMENT OFFICER SHALL NOT BE COMPENSATED BY A PUBLIC EMPLOYER FOR  
36 ACTIVITIES RELATED TO UNION MEMBER RECRUITMENT OR PARTICIPATION IN  
37 CONVENTIONS THAT ARE ORGANIZED BY A UNION.

38 3. APPLY TO ANY EXISTING NON-EXECUTORY CONTRACTS IN EFFECT BEFORE THE  
39 EFFECTIVE DATE OF THIS SECTION BUT AN EXISTING CONTRACT SHALL NOT BE RENEWED  
40 IF THE CONTRACT HAS ANY TERMS THAT CONFLICT WITH THIS SECTION.

41 C. THE ATTORNEY GENERAL SHALL ENFORCE THIS SECTION. ANY TAXPAYER OF  
42 THE JURISDICTION IN WHICH A VIOLATION OF THIS SECTION OCCURS HAS STANDING IN  
43 ANY COURT OF RECORD TO BRING A SPECIAL ACTION AGAINST ANY AGENT OR AGENCY OF  
44 THIS STATE OR ITS POLITICAL SUBDIVISIONS TO REMEDY ANY VIOLATION OF ANY  
45 PROVISION OF THIS SECTION.

1           23-1423. State preemption of inconsistent local laws

2           THE REGULATION OF PUBLIC SECTOR UNION EMPLOYMENT BARGAINS IS A MATTER  
3 OF STATEWIDE CONCERN AND IS NOT SUBJECT TO FURTHER INCONSISTENT REGULATION BY  
4 A COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE. THIS  
5 ARTICLE PREEMPTS ALL INCONSISTENT RULES, REGULATIONS, CODES, ORDINANCES AND  
6 OTHER LAWS ADOPTED BY A COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF  
7 THIS STATE REGARDING PUBLIC SECTOR UNION EMPLOYMENT BARGAINS.

8           Sec. 2. Intent

9           It is the intent of the legislature to restrict the use of public  
10 monies in furtherance of union activities. In restricting the use of public  
11 monies for this purpose, the legislature recognizes that unions acting on  
12 behalf of law enforcement personnel may be engaged in activities that are  
13 directly tied to promoting and enhancing public safety in Arizona, in  
14 addition to activities that are provided for or on behalf of law enforcement  
15 officers in existing law. No public safety purpose is served through law  
16 enforcement unions by using public monies to recruit union members or  
17 participate in union conventions.

18           Sec. 3. Severability

19           If a provision of this act or its application to any person or  
20 circumstance is held invalid, the invalidity does not affect other provisions  
21 or applications of the act that can be given effect without the invalid  
22 provision or application, and to this end the provisions of this act are  
23 severable.