

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1365

AN ACT

AMENDING TITLE 23, CHAPTER 2, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-361.02; RELATING TO PAYMENT OF WAGES.

(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 2, article 7, Arizona Revised Statutes,
3 is amended by adding section 23-361.02, to read:

4 23-361.02. Paycheck deductions; authorization; civil penalty;
5 definition

6 A. A PUBLIC OR PRIVATE EMPLOYER IN THIS STATE SHALL NOT DEDUCT ANY
7 PAYMENT FROM AN EMPLOYEE'S PAYCHECK FOR POLITICAL PURPOSES UNLESS THE
8 EMPLOYEE ANNUALLY PROVIDES WRITTEN OR ELECTRONIC AUTHORIZATION TO THE
9 EMPLOYER FOR THE DEDUCTION.

10 B. IF A DEDUCTION IS MADE FROM AN EMPLOYEE'S PAYCHECK FOR MULTIPLE
11 PURPOSES, THE EMPLOYER SHALL OBTAIN A STATEMENT FROM EACH ENTITY TO WHICH THE
12 DEDUCTIONS ARE PAID THAT INDICATES THE PAYMENT IS NOT USED FOR POLITICAL
13 PURPOSES OR A STATEMENT THAT INDICATES THE MAXIMUM PERCENTAGE OF THE PAYMENT
14 THAT IS USED FOR POLITICAL PURPOSES. THE EMPLOYER SHALL NOT DEDUCT ANY
15 PAYMENT BEYOND THAT SPECIFIED FOR NONPOLITICAL PURPOSES WITHOUT THE ANNUAL
16 WRITTEN OR ELECTRONIC PERMISSION OF THE EMPLOYEE.

17 C. THE ATTORNEY GENERAL SHALL ADOPT RULES THAT DESCRIBE THE ACCEPTABLE
18 FORMS OF EMPLOYEE AUTHORIZATION AND ENTITY STATEMENTS UNDER THIS SECTION.

19 D. IF AN EMPLOYER IMPROPERLY DEDUCTS PAYMENTS FROM AN EMPLOYEE'S
20 PAYCHECK FOR POLITICAL PURPOSES OR AN ENTITY PROVIDES AN INACCURATE STATEMENT
21 UNDER THIS SECTION, THE EMPLOYER OR ENTITY IS SUBJECT TO A CIVIL PENALTY OF
22 AT LEAST TEN THOUSAND DOLLARS FOR EACH VIOLATION. THE ATTORNEY GENERAL SHALL
23 IMPOSE AND COLLECT THE CIVIL PENALTIES UNDER THIS SUBSECTION AND SHALL
24 DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, ALL CIVIL PENALTIES
25 COLLECTED PURSUANT TO THIS SECTION IN THE STATE GENERAL FUND.

26 E. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

- 27 1. A SINGLE DEDUCTION FOR NONPOLITICAL PURPOSES.
- 28 2. DEDUCTIONS FOR SAVINGS OR CHARITABLE CONTRIBUTIONS.
- 29 3. DEDUCTIONS FOR EMPLOYEE HEALTH CARE, RETIREE OR WELFARE BENEFITS.
- 30 4. DEDUCTIONS FOR STATE, LOCAL OR FEDERAL TAXES.
- 31 5. DEDUCTIONS FOR CONTRIBUTIONS TO A SEPARATE SEGREGATED FUND PURSUANT
32 TO 2 UNITED STATES CODE SECTION 441b(b) OR SECTION 16-920, SUBSECTION A,
33 PARAGRAPH 3.

34 6. ANY DEDUCTION OTHERWISE REQUIRED BY LAW.

35 F. IF AN EMPLOYEE HAS AUTHORIZED A DEDUCTION FROM THE EMPLOYEE'S
36 PAYCHECK UNDER THIS SECTION AND THE EMPLOYEE RESIGNS MEMBERSHIP IN THE
37 ASSOCIATION OR ORGANIZATION FOR WHICH THE DEDUCTION WAS AUTHORIZED, THE
38 EMPLOYEE'S AUTHORIZATION FOR THE DEDUCTION IMMEDIATELY BECOMES VOID.

39 G. THIS SECTION DOES NOT PREEMPT ANY FEDERAL LAW.

40 H. FOR THE PURPOSES OF THIS SECTION, EMPLOYEE DOES NOT INCLUDE ANY
41 PUBLIC SAFETY EMPLOYEE, INCLUDING A PEACE OFFICER, FIRE FIGHTER, CORRECTIONS
42 OFFICER, PROBATION OFFICER OR SURVEILLANCE OFFICER, WHO IS EMPLOYED BY THIS
43 STATE OR A POLITICAL SUBDIVISION OF THIS STATE.

1 I. FOR THE PURPOSES OF THIS SECTION, "POLITICAL PURPOSES" MEANS
2 SUPPORTING OR OPPOSING ANY CANDIDATE FOR PUBLIC OFFICE, POLITICAL PARTY,
3 REFERENDUM, INITIATIVE, POLITICAL ISSUE ADVOCACY, POLITICAL ACTION COMMITTEE
4 OR OTHER SIMILAR GROUP.

5 Sec. 2. Short title

6 This act may be cited as the "Protect Arizona Employees' Paychecks from
7 Politics Act".

8 Sec. 3. Severability

9 If any provision of this act or its application to any person or
10 circumstance is held invalid, the invalidity shall not affect other
11 provisions or applications of this act that can be given effect without the
12 invalid provision or application, and to this end the provisions of this act
13 are severable.