State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 111

SENATE BILL 1166

AN ACT

AMENDING TITLE 23, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8; RELATING TO PUBLIC EMPLOYERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

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

ARTICLE 8. PUBLIC EMPLOYER UNION CONTRACTS

23-1431. Public employers; public monies; contracts; union activities; standing; state preemption; definitions

A. A public employer may not spend public monies for union activities.

B. A public employer may not enter into an employment contract with a public employee to engage in union activities or provide paid leave or any form of compensation for the purposes of engaging in union activities. An employment contract that violates this section is against public policy and is void and unenforceable.

C. Any person who is a resident of this state and the attorney general have standing in any court of record to bring suit against any public employer of this state to remedy any violation of this section. If a court finds that a public employer has violated this section, the court shall award reasonable attorney fees and costs to the party who brought the action.

D. This section does not apply to any existing employment contract that is in effect before the effective date of this section. Any existing employment contract that is in effect before the effective date of this section and that conflicts with this section may not be renewed or extended.

E. The regulation of the use of public monies and public employees for union activities is a matter of statewide concern and is necessary to enforce the constitution of Arizona. The prohibition against using public monies for union activities is not subject to inconsistent regulation by any public employer. The regulation of the use of public monies and public employees for union activities pursuant to this article is not subject to further regulation by a county, city, town or other political subdivision of this state and preempts all inconsistent laws, rules, regulations, codes, ordinances, policies or other laws adopted by any public employer.

F. This section does not prohibit a public employee from using the employee's personal leave for union activities.

G. For the purposes of this section:

1. "Employment contract" means any formal or informal employment contract, agreement or memorandum that contains terms and conditions of employment with any public employee or group of public employees.

2. "Public employee":

(a) means any individual who is employed by a public employer.

(b) does not include law enforcement officers or paid firefighters.
3. "PUBLIC EMPLOYER" MEANS THIS STATE OR ANY BRANCH, DEPARTMENT, DIVISION, AGENCY OR AUTHORITY OF THIS STATE OR A CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE.

4. "UNION" MEANS ANY ASSOCIATION OR ORGANIZATION, INCORPORATED OR UNINCORPORATED, THAT IS AUTHORIZED TO REPRESENT AND BARGAIN FOR PUBLIC EMPLOYEES.

5. "UNION ACTIVITIES" MEANS:
   (a) POLITICAL ACTIVITIES PERFORMED BY A UNION THAT INVOLVE ADVOCATING FOR THE ELECTION OR DEFEAT OF ANY POLITICAL CANDIDATE.
   (b) LOBBYING ACTIVITIES PERFORMED BY A UNION THAT INVOLVE ATTEMPTING TO INFLUENCE THE PASSAGE OR DEFEAT OF FEDERAL OR STATE LEGISLATION, LOCAL ORDINANCES OR ANY BALLOT MEASURE.

Sec. 2. Legislative intent

The legislature intends that this act be strictly construed to restrict the use of public monies to public purposes and to prevent the diversion of public monies and public employees to private purposes.

APPROVED BY THE GOVERNOR APRIL 6, 2022.