

Senate Engrossed House Bill

~~GRRC; petition to request review~~

(now: public works contracts; prohibited requirements)

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HOUSE BILL 2014

AN ACT

AMENDING SECTION 34-321, ARIZONA REVISED STATUTES; RELATING TO PUBLIC
WORKS CONTRACTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 34-321, Arizona Revised Statutes, is amended to
3 read:

4 34-321. Public policy; public works contracts; prohibited
5 agreements; definitions

6 A. The public interest in the rates of wages paid under public
7 works contracts transcends local or municipal interests and is of
8 statewide concern.

9 B. Agencies and political subdivisions of this state shall not
10 REQUIRE, by regulation, ordinance or in any other manner, require public
11 works contracts to contain a provision requiring the wages paid by the
12 contractor or any subcontractor to be ~~not less than~~ AT LEAST the
13 prevailing rate of wages for work of a similar nature in the state or
14 political subdivision where the project is located.

15 C. Agencies and political subdivisions of this state shall not
16 require in any public works contracts that a contractor, subcontractor,
17 material supplier or carrier engaged in the construction, maintenance,
18 repair or improvement of public works do any of the following as a
19 condition of or a factor in bidding, negotiating, EVALUATING, being
20 awarded or performing work on a public works contract:

21 1. Negotiate, execute or otherwise become a party to any project
22 labor agreement or other agreement with employees, employees'
23 representatives or any labor organization.

24 2. Enter into a neutrality agreement with any labor organization.

25 3. Participate in or contribute to an apprenticeship program that
26 is registered with the United States department of labor.

27 4. PROVIDE A WAGE OR SALARY AMOUNT THAT IS DIFFERENT THAN WHAT THE
28 AGENCY OR POLITICAL SUBDIVISION REQUIRES FOR OTHER CONTRACTS OR INDUSTRIES
29 OPERATING IN THE JURISDICTION OF OR ON BEHALF OF THE AGENCY OR POLITICAL
30 SUBDIVISION.

31 5. DEMONSTRATE THE EXISTENCE OF A LABOR MANAGEMENT AGREEMENT,
32 EMPLOYEE GRIEVANCE POLICY OR PROCEDURE OR SIMILAR MANAGEMENT PRACTICE,
33 INCLUDING A HARMONY OR LABOR PEACE AGREEMENT.

34 6. DEMONSTRATE LABOR ORGANIZATION STATUS.

35 D. Subsection C of this section does not:

36 1. Prohibit private parties from entering into individual
37 collective bargaining relationships.

38 2. Regulate or interfere with activity protected by law, including
39 the national labor relations act.

40 E. For the purposes of this section:

41 1. "Agency" has the same meaning prescribed in section 41-1001.

42 2. "Neutrality agreement" includes an agreement to remain neutral
43 toward any labor organization, release private employee information not
44 required by federal labor law, allow access to property beyond what is

1 required by federal labor law and recognize a labor organization without a
2 secret ballot election conducted pursuant to federal labor law.

3 3. "Political subdivision" means a city, charter city, town,
4 county, school district, community college district, multi-county water
5 conservation district, industrial development authority or special taxing
6 district established pursuant to title 48 that is primarily supported by
7 taxes.

8 4. "Project labor agreement" means any prehire, collective
9 bargaining, model construction or similar type of agreement entered into
10 with one or more labor organizations, employees or employee
11 representatives that establishes the terms and conditions of employment on
12 a construction project.

13 5. "Public works contract" means a contract to which this state or
14 a political subdivision **OF THIS STATE** is a party ~~involving~~ **AND THAT**
15 **INVOLVES** the employment of laborers, ~~workmen~~ **WORKERS** or mechanics in ~~the~~
16 ~~construction~~ **CONSTRUCTING**, ~~alteration~~ **ALTERING** or ~~repair of~~ **REPAIRING**
17 public buildings or improvements.