

REFERENCE TITLE: public employers; union contracts

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

SB 1166

Introduced by
Senators Leach: Livingston

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)

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

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

4 ARTICLE 8. PUBLIC EMPLOYER UNION CONTRACTS

5 23-1431. Public employers; public monies; contracts; union
6 activities; standing; state preemption;
7 definitions

8 A. A PUBLIC EMPLOYER MAY NOT SPEND PUBLIC MONIES FOR UNION
9 ACTIVITIES.

10 B. A PUBLIC EMPLOYER MAY NOT ENTER INTO AN EMPLOYMENT CONTRACT WITH
11 A PUBLIC EMPLOYEE TO ENGAGE IN UNION ACTIVITIES OR PROVIDE PAID LEAVE OR
12 ANY FORM OF COMPENSATION TO ENGAGE IN UNION ACTIVITIES. AN EMPLOYMENT
13 CONTRACT THAT VIOLATES THIS SECTION IS AGAINST PUBLIC POLICY AND IS VOID
14 AND UNENFORCEABLE.

15 C. ANY PERSON WHO IS A RESIDENT OF THIS STATE AND THE ATTORNEY
16 GENERAL HAVE STANDING IN ANY COURT OF RECORD TO BRING SUIT AGAINST ANY
17 PUBLIC EMPLOYER OF THIS STATE TO REMEDY ANY VIOLATION OF THIS SECTION. IF
18 A COURT FINDS THAT A PUBLIC EMPLOYER HAS VIOLATED THIS SECTION, THE COURT
19 SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS TO THE PARTY WHO BROUGHT
20 THE ACTION.

21 D. THIS SECTION DOES NOT APPLY TO ANY EXISTING EMPLOYMENT CONTRACT
22 THAT IS IN EFFECT BEFORE THE EFFECTIVE DATE OF THIS SECTION. ANY EXISTING
23 EMPLOYMENT CONTRACT THAT IS IN EFFECT BEFORE THE EFFECTIVE DATE OF THIS
24 SECTION AND THAT CONFLICTS WITH THIS SECTION MAY NOT BE RENEWED OR
25 EXTENDED.

26 E. THE REGULATION OF THE USE OF PUBLIC MONIES AND PUBLIC EMPLOYEES
27 FOR UNION ACTIVITIES IS A MATTER OF STATEWIDE CONCERN AND IS NECESSARY TO
28 ENFORCE THE CONSTITUTION OF ARIZONA. THE PROHIBITION AGAINST USING PUBLIC
29 MONIES FOR UNION ACTIVITIES IS NOT SUBJECT TO INCONSISTENT REGULATION BY
30 ANY PUBLIC EMPLOYER. THE REGULATION OF THE USE OF PUBLIC MONIES AND
31 PUBLIC EMPLOYEES FOR UNION ACTIVITIES PURSUANT TO THIS ARTICLE IS NOT
32 SUBJECT TO FURTHER REGULATION BY A COUNTY, CITY, TOWN OR OTHER POLITICAL
33 SUBDIVISION OF THIS STATE AND PREEMPTS ALL INCONSISTENT LAWS, RULES,
34 REGULATIONS, CODES, ORDINANCES, POLICIES OR OTHER LAWS ADOPTED BY ANY
35 PUBLIC EMPLOYER.

36 F. FOR THE PURPOSES OF THIS SECTION:

37 1. "EMPLOYMENT CONTRACT" MEANS ANY FORMAL OR INFORMAL EMPLOYMENT
38 CONTRACT, AGREEMENT OR MEMORANDUM THAT CONTAINS TERMS AND CONDITIONS OF
39 EMPLOYMENT WITH ANY PUBLIC EMPLOYEE OR GROUP OF PUBLIC EMPLOYEES.

40 2. "PUBLIC EMPLOYEE" MEANS ANY INDIVIDUAL WHO IS EMPLOYED BY A
41 PUBLIC EMPLOYER.

42 3. "PUBLIC EMPLOYER" MEANS THIS STATE OR ANY BRANCH, DEPARTMENT,
43 DIVISION, AGENCY OR AUTHORITY OF THIS STATE OR A CITY, TOWN OR OTHER
44 POLITICAL SUBDIVISION OF THIS STATE.

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

4 5. "UNION ACTIVITIES" INCLUDES:

5 (a) POLITICAL ACTIVITIES THAT INVOLVE ADVOCATING FOR THE ELECTION
6 OR DEFEAT OF ANY POLITICAL CANDIDATE.

7 (b) LOBBYING OR ATTEMPTING TO INFLUENCE THE PASSAGE OR DEFEAT OF
8 FEDERAL OR STATE LEGISLATION, LOCAL ORDINANCES OR ANY BALLOT MEASURE.

9 Sec. 2. Severability

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

15 Sec. 3. Legislative intent

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