

PROPOSED
SENATE AMENDMENTS TO S.B. 1191
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 9, chapter 4, article 6, Arizona Revised Statutes,
3 is amended by adding section 9-461.18, to read:

4 9-461.18. Union labor; prohibition

5 A MUNICIPALITY MAY NOT REQUIRE THE USE OF OR THE PREFERENCE FOR UNION
6 LABOR AS A CONDITION FOR APPROVING A ZONING PERMIT, ZONING VARIANCE,
7 REZONING APPLICATION, GENERAL PLAN AMENDMENT OR OTHER PERMIT OR LAND USE
8 REQUIREMENT.

9 Sec. 2. Title 11, chapter 6, article 2, Arizona Revised Statutes, is
10 amended by adding section 11-820.02, to read:

11 11-820.02. Union labor; prohibition

12 A COUNTY MAY NOT REQUIRE THE USE OF OR THE PREFERENCE FOR UNION LABOR
13 AS A CONDITION FOR APPROVING A ZONING PERMIT, ZONING VARIANCE, REZONING
14 APPLICATION, GENERAL PLAN AMENDMENT OR OTHER PERMIT OR LAND USE
15 REQUIREMENT.

16 Sec. 3. Section 34-321, Arizona Revised Statutes, is amended to
17 read:

18 34-321. Public policy; prevailing wage contracts; prohibited
19 agreements; definitions

20 A. The public interest in the rates of wages paid under public works
21 contracts transcends local or municipal interests and is of statewide
22 concern.

23 B. Agencies and political subdivisions of this state, ~~shall not~~ by
24 regulation, ~~OR~~ ordinance or in any other manner, SHALL NOT require public
25 works contracts to contain a provision requiring the wages paid by the

1 contractor or any subcontractor to be ~~not less than~~ AT LEAST the prevailing
2 rate of wages for work of a similar nature in the state or political
3 subdivision where the project is located.

4 C. Agencies and political subdivisions of this state shall not
5 require in any public works contracts that a contractor, subcontractor,
6 material supplier or carrier engaged in the construction, maintenance,
7 repair or improvement of public works do any of the following as a
8 condition of or a factor in bidding, negotiating, being awarded or
9 performing work on a public works contract:

10 1. Negotiate, execute or otherwise become a party to any project
11 labor agreement or other agreement with employees, employees'
12 representatives or any labor organization.

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

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

16 4. PROVIDE A WAGE OR SALARY AMOUNT THAT IS DIFFERENT THAN WHAT THE
17 AGENCY OR POLITICAL SUBDIVISION REQUIRES FOR OTHER CONTRACTS OR INDUSTRIES
18 OPERATING IN THE JURISDICTION OR ON BEHALF OF THE AGENCY OR POLITICAL
19 SUBDIVISION.

20 5. DEMONSTRATE THE EXISTENCE OF A LABOR MANAGEMENT AGREEMENT,
21 EMPLOYEE GRIEVANCE POLICY OR PROCEDURE OR SIMILAR MANAGEMENT PRACTICE,
22 INCLUDING A HARMONY OR LABOR PEACE AGREEMENT.

23 6. DEMONSTRATE LABOR ORGANIZATION STATUS.

24 D. Subsection C of this section does not:

25 1. Prohibit private parties from entering into individual collective
26 bargaining relationships.

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

29 E. For the purposes of this section:

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

31 2. "Neutrality agreement" includes an agreement to remain neutral
32 toward any labor organization, release private employee information not

1 required by federal labor law, allow access to property beyond what is
2 required by federal labor law and recognize a labor organization without a
3 secret ballot election conducted pursuant to federal labor law.

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

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

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

18 Amend title to conform

WARREN PETERSEN

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C: LAT