

Senate Engrossed

~~civil actions; virtual court appearance~~
(now: union labor; prohibition; prevailing wage)

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

SENATE BILL 1191

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-461.18; AMENDING TITLE 11, CHAPTER 6, ARTICLE 2, ARIZONA
REVISED STATUTES, BY ADDING SECTION 11-820.02; AMENDING SECTION 34-321,
ARIZONA REVISED STATUTES; RELATING TO LABOR.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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
6 UNION 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,
10 is 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
13 LABOR AS A CONDITION FOR APPROVING A ZONING PERMIT, ZONING VARIANCE,
14 REZONING 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
21 works contracts transcends local or municipal interests and is of
22 statewide 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
26 contractor or any subcontractor to be ~~not less than~~ **AT LEAST** the
27 prevailing rate of wages for work of a similar nature in the state or
28 political subdivision where the project is located.

29 C. Agencies and political subdivisions of this state shall not
30 require in any public works contracts that a contractor, subcontractor,
31 material supplier or carrier engaged in the construction, maintenance,
32 repair or improvement of public works do any of the following as a
33 condition of or a factor in bidding, negotiating, being awarded or
34 performing work on a public works contract:

35 1. Negotiate, execute or otherwise become a party to any project
36 labor agreement or other agreement with employees, employees'
37 representatives or any labor organization.

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

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

41 4. **PROVIDE A WAGE OR SALARY AMOUNT THAT IS DIFFERENT THAN WHAT THE**
42 **AGENCY OR POLITICAL SUBDIVISION REQUIRES FOR OTHER CONTRACTS OR INDUSTRIES**
43 **OPERATING IN THE JURISDICTION OR ON BEHALF OF THE AGENCY OR POLITICAL**
44 **SUBDIVISION.**

1 5. DEMONSTRATE THE EXISTENCE OF A LABOR MANAGEMENT AGREEMENT,
2 EMPLOYEE GRIEVANCE POLICY OR PROCEDURE OR SIMILAR MANAGEMENT PRACTICE,
3 INCLUDING A HARMONY OR LABOR PEACE AGREEMENT.

4 6. DEMONSTRATE LABOR ORGANIZATION STATUS.

5 D. Subsection C of this section does not:

6 1. Prohibit private parties from entering into individual
7 collective bargaining relationships.

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

10 E. For the purposes of this section:

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

12 2. "Neutrality agreement" includes an agreement to remain neutral
13 toward any labor organization, release private employee information not
14 required by federal labor law, allow access to property beyond what is
15 required by federal labor law and recognize a labor organization without a
16 secret ballot election conducted pursuant to federal labor law.

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

22 4. "Project labor agreement" means any prehire, collective
23 bargaining, model construction or similar type of agreement entered into
24 with one or more labor organizations, employees or employee
25 representatives that establishes the terms and conditions of employment on
26 a construction project.

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