

REFERENCE TITLE: public policy; wage contracts; repeal.

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2682

Introduced by
Representatives Aguilar: Abeytia, Austin, Blattman, Cavero, Crews, De Los
Santos, Garcia, Gutierrez, Peshlakai, Sandoval, Tsosie, Villegas

AN ACT

REPEALING SECTION 34-321, ARIZONA REVISED STATUTES; AMENDING SECTION
40-360.03, ARIZONA REVISED STATUTES; RELATING TO WAGE CONTRACTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Repeal

3 Section 34-321, Arizona Revised Statutes, is repealed.

4 Sec. 2. Section 40-360.06, Arizona Revised Statutes, is amended to
5 read:

6 40-360.06. Factors to be considered in issuing a certificate
7 of environmental compatibility; definition

8 A. The committee may approve or deny an application and may impose
9 reasonable conditions on the issuance of a certificate of environmental
10 compatibility. ~~and~~ In so doing, THE COMMITTEE shall consider the following
11 factors as a basis for its action with respect to the suitability of
12 either plant or transmission line siting plans:

13 1. Existing plans of this state, A local government and private
14 entities for other developments at or in the vicinity of the proposed
15 site.

16 2. Fish, wildlife and plant life and associated forms of life on
17 which they are dependent.

18 3. Noise emission levels and interference with communication
19 signals.

20 4. The proposed availability of the site to the public for
21 recreational purposes, consistent with safety considerations and
22 regulations.

23 5. Existing scenic areas, historic sites and structures or
24 archaeological sites at or in the vicinity of the proposed site.

25 6. The total environment of the area.

26 7. The technical practicability of achieving a proposed objective
27 and the previous experience with equipment and methods available for
28 achieving a proposed objective.

29 8. The estimated cost of the facilities and site as proposed by the
30 applicant and the estimated cost of the facilities and site as recommended
31 by the committee, recognizing that any significant increase in costs
32 represents a potential increase in the cost of electric energy to the
33 customers or the applicant.

34 9. Any additional factors that require consideration under
35 applicable federal and state laws pertaining to any such site.

36 B. The committee shall give special consideration to the protection
37 of areas THAT ARE unique because of biological wealth or because they are
38 habitats for rare and endangered species.

39 C. Notwithstanding any other provision of this article, the
40 committee shall require in all certificates OF ENVIRONMENTAL COMPATIBILITY
41 for facilities that the applicant comply with all applicable nuclear
42 radiation standards and air and water pollution control standards and
43 regulations, ~~but~~ shall not require either of the following:

1 1. Compliance with performance standards other than those
2 established by the agency having primary jurisdiction over a particular
3 pollution source.

4 2. That a contractor, subcontractor, material supplier or other
5 person **THAT IS** engaged in the construction, maintenance, repair or
6 improvement of any project subject to approval of the commission
7 negotiate, execute or otherwise become a party to any project labor
8 agreement, neutrality agreement ~~as defined in section 34-321,~~
9 apprenticeship program participation or contribution agreement or other
10 agreement with employees, employees' representatives or any labor
11 organization as a condition of or a factor in the commission's approval of
12 the project. This paragraph does not:

13 (a) Prohibit private parties from entering into individual
14 collective bargaining relationships.

15 (b) Regulate or interfere with activity **THAT IS** protected by law,
16 including the national labor relations act.

17 D. Any certificate **OF ENVIRONMENTAL COMPATIBILITY THAT IS** granted
18 by the committee shall be conditioned on compliance by the applicant with
19 all applicable ordinances, master plans and regulations of ~~the~~ **THIS** state,
20 a county or an incorporated city or town, except that the committee may
21 grant a certificate **OF ENVIRONMENTAL COMPATIBILITY** notwithstanding any
22 such ordinance, master plan or regulation, exclusive of franchises, if the
23 committee finds as a fact that compliance with such **AN** ordinance, master
24 plan or regulation is unreasonably restrictive and compliance therewith is
25 not feasible in view of technology available. ~~When~~ **IF** it becomes apparent
26 to the chairman of the committee or to the hearing officer that an issue
27 exists with respect to whether such an ordinance, master plan or
28 regulation is unreasonably restrictive and compliance therewith is not
29 feasible in view of technology available, the chairman or hearing officer
30 shall promptly serve notice of ~~such~~ **THAT** fact by certified mail on the
31 chief executive officer of the area of jurisdiction affected and,
32 notwithstanding any provision of this article to the contrary, shall make
33 ~~such~~ **THAT** area of jurisdiction a party to the proceedings on its request
34 and shall give it an opportunity to respond on ~~such~~ **THAT** issue.

35 **E. FOR THE PURPOSES OF THIS SECTION, "NEUTRALITY AGREEMENT"**
36 **INCLUDES AN AGREEMENT TO REMAIN NEUTRAL TOWARD ANY LABOR ORGANIZATION,**
37 **RELEASE PRIVATE EMPLOYEE INFORMATION NOT REQUIRED BY FEDERAL LABOR LAW,**
38 **ALLOW ACCESS TO PROPERTY BEYOND WHAT IS REQUIRED BY FEDERAL LABOR LAW AND**
39 **RECOGNIZE A LABOR ORGANIZATION WITHOUT A SECRET BALLOT ELECTION CONDUCTED**
40 **PURSUANT TO FEDERAL LABOR LAW.**