

REFERENCE TITLE: protect Arizona employees' paychecks

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SCR 1036

Introduced by
Senators Gorman, Flake, Harper; Representative Murphy; Senators Blendu,
Gould; Representatives Barto, Clark, Nichols, Weiers JP

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO
PAYMENT OF WAGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to payment of wages, is enacted to become
5 valid as a law if approved by the voters and on proclamation of the Governor:

6 AN ACT

7 AMENDING TITLE 23, CHAPTER 2, ARTICLE 7, ARIZONA REVISED
8 STATUTES, BY ADDING SECTION 23-361.01; RELATING TO PAYMENT OF
9 WAGES.

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

11 Section 1. Title 23, chapter 2, article 7, Arizona
12 Revised Statutes, is amended by adding section 23-361.01, to
13 read:

14 23-361.01. Paycheck deductions; authorization; civil
15 penalty; definition

16 A. A PUBLIC OR PRIVATE EMPLOYER IN THIS STATE SHALL NOT
17 DEDUCT ANY PAYMENT FROM AN EMPLOYEE'S PAYCHECK FOR POLITICAL
18 PURPOSES UNLESS THE EMPLOYEE ANNUALLY PROVIDES WRITTEN
19 AUTHORIZATION TO THE EMPLOYER FOR THE DEDUCTION.

20 B. IF A DEDUCTION IS MADE FROM AN EMPLOYEE'S PAYCHECK FOR
21 MULTIPLE PURPOSES, THE EMPLOYER SHALL OBTAIN A STATEMENT FROM
22 EACH ENTITY TO WHICH THE DEDUCTIONS ARE PAID THAT INDICATES THAT
23 THE PAYMENT IS NOT USED FOR POLITICAL PURPOSES OR A STATEMENT
24 THAT INDICATES THE MAXIMUM PERCENTAGE OF THE PAYMENT THAT IS
25 USED FOR POLITICAL PURPOSES. THE EMPLOYER SHALL NOT DEDUCT ANY
26 PAYMENT BEYOND THAT SPECIFIED FOR NONPOLITICAL PURPOSES WITHOUT
27 THE ANNUAL WRITTEN PERMISSION OF THE EMPLOYEE.

28 C. THE ATTORNEY GENERAL SHALL ADOPT RULES THAT DESCRIBE
29 THE ACCEPTABLE FORMS OF EMPLOYEE AUTHORIZATION AND ENTITY
30 STATEMENTS UNDER THIS SECTION.

31 D. IF AN EMPLOYER IMPROPERLY DEDUCTS PAYMENTS FROM AN
32 EMPLOYEE'S PAYCHECK FOR POLITICAL PURPOSES OR AN ENTITY PROVIDES
33 AN INACCURATE STATEMENT UNDER THIS SECTION, THE EMPLOYER OR
34 ENTITY IS SUBJECT TO A CIVIL PENALTY OF AT LEAST TEN THOUSAND
35 DOLLARS FOR EACH VIOLATION. THE ATTORNEY GENERAL SHALL IMPOSE
36 AND COLLECT THE CIVIL PENALTIES UNDER THIS SUBSECTION AND SHALL
37 DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, ALL CIVIL
38 PENALTIES COLLECTED PURSUANT TO THIS SECTION IN THE STATE
39 GENERAL FUND.

40 E. THIS SECTION DOES NOT APPLY TO ANY DEDUCTIONS FOR
41 SAVINGS OR CHARITABLE CONTRIBUTIONS OR DEDUCTIONS FOR EMPLOYEE
42 RETIREE OR WELFARE BENEFITS.

1 F. IF AN EMPLOYEE HAS AUTHORIZED A DEDUCTION FROM THE
2 EMPLOYEE'S PAYCHECK UNDER THIS SECTION AND THE EMPLOYEE RESIGNS
3 MEMBERSHIP IN THE ASSOCIATION OR ORGANIZATION FOR WHICH THE
4 DEDUCTION WAS AUTHORIZED, THE EMPLOYEE'S AUTHORIZATION FOR THE
5 DEDUCTION IMMEDIATELY BECOMES NULL AND VOID.

6 G. THIS SECTION DOES NOT PREEMPT ANY FEDERAL LAW.

7 H. FOR THE PURPOSES OF THIS SECTION, "POLITICAL PURPOSES"
8 MEANS SUPPORTING OR OPPOSING ANY CANDIDATE FOR PUBLIC OFFICE,
9 POLITICAL PARTY, REFERENDUM, INITIATIVE, POLITICAL ISSUE
10 ADVOCACY, POLITICAL ACTION COMMITTEE OR OTHER SIMILAR GROUP.

11 Sec. 2. Short title

12 This act shall be known as and may be cited as the
13 "Protect Arizona Employees' Paychecks from Politics Act".

14 Sec. 3. Severability

15 If any provision of this act or its application to any
16 person or circumstance is held invalid, the invalidity shall not
17 affect other provisions or applications of this act that can be
18 given effect without the invalid provision or application, and
19 to this end the provisions of this act are severable.

20 2. The Secretary of State shall submit this proposition to the voters
21 at the next general election as provided by article IV, part 1, section 1,
22 Constitution of Arizona.