

REFERENCE TITLE: minimum wage; state employees

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

## **HB 2532**

Introduced by  
Representatives Sinema, Gallardo, Lopez, Lujan, Saradnik, Schapira:  
Ableser, Campbell CH, Campbell CL, DeSimone, Farley, Lopes, Pancrazi,  
Prezelski, Thrasher, Tom, Ulmer

AN ACT

AMENDING SECTION 23-362, ARIZONA REVISED STATUTES, AS ADDED BY 2006  
PROPOSITION 202, SECTION 2; RELATING TO MINIMUM WAGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Subject to the requirements of article IV, part 1, section  
3 1, Constitution of Arizona, section 23-362, Arizona Revised Statutes, as  
4 added by 2006 Proposition 202, section 2, is amended to read:

5 23-362. Definitions

6 As used in this article, unless the context otherwise requires:

7 A. "Employee" means any person who is or was employed by an employer  
8 but does not include any person who is employed by a parent or a sibling, or  
9 who is employed performing babysitting services in the employer's home on a  
10 casual basis.

11 B. "Employer" includes any corporation, proprietorship, partnership,  
12 joint venture, limited liability company, trust, association, political  
13 subdivision of the state, individual or other entity acting directly or  
14 indirectly in the interest of an employer in relation to an employee, but  
15 does not include ~~the state of Arizona~~, the United States, or a small  
16 business.

17 C. "Small business" means any corporation, proprietorship,  
18 partnership, joint venture, limited liability company, trust, or association  
19 that has less than five hundred thousand dollars in gross annual revenue and  
20 that is exempt from having to pay a minimum wage under section 206(a) of  
21 title 29 of the United States Code.

22 D. "Employ" includes to suffer or permit to work; whether a person is  
23 an independent contractor or an employee shall be determined according to the  
24 standards of the federal fair labor standards act, but the burden of proof  
25 shall be upon the party for whom the work is performed to show independent  
26 contractor status by clear and convincing evidence.

27 E. "Wage" means monetary compensation due to an employee by reason of  
28 employment, including an employee's commissions, but not tips or gratuities.

29 F. "Law enforcement officer" means the attorney general, a city  
30 attorney, a county attorney or a town attorney.

31 G. "Commission" means the industrial commission of Arizona, any  
32 successor agency, or such other agency as the governor shall designate to  
33 implement this article.

34 Sec. 2. Requirements for enactment; three-fourths vote

35 Pursuant to article IV, part 1, section 1, Constitution of Arizona,  
36 section 23-362, Arizona Revised Statutes, as amended by this act, is  
37 effective only on the affirmative vote of at least three-fourths of the  
38 members of each house of the legislature.