

Senate Engrossed House Bill
employee benefits; compensation; state preemption

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE CONCURRENT RESOLUTION 2031

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XVIII, CONSTITUTION OF ARIZONA, BY ADDING SECTION 11; RELATING TO EMPLOYEE BENEFITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

3 1. Article XVIII, Constitution of Arizona, is proposed to be
4 amended by adding section 11 as follows if approved by the voters and on
5 proclamation of the Governor:

6 11. Employee benefits; state preemption; enforcement;
7 limitation

8 SECTION 11. A. THE REGULATION OF EMPLOYEE BENEFITS,
9 INCLUDING WAGE AND NONWAGE COMPENSATION, PAID AND UNPAID LEAVE
10 AND OTHER ABSENCES, MEAL BREAKS AND REST PERIODS, IS OF
11 STATEWIDE CONCERN. THE REGULATION OF EMPLOYEE BENEFITS
12 PURSUANT TO STATE AND FEDERAL LAW IS NOT SUBJECT TO FURTHER
13 REGULATION BY A CITY, TOWN OR COUNTY, EXCEPT THAT A CITY, TOWN
14 OR COUNTY MAY ADOPT A LOCAL MINIMUM WAGE ONLY IF ALLOWED BY
15 STATE LAW AND IF THE FOLLOWING CRITERIA ARE MET:

16 1. THAT WAGE IS AT OR ABOVE THE STATEWIDE MINIMUM WAGE.
17 2. THE CITY, TOWN OR COUNTY DOES NOT DIMINISH THE
18 ABILITY OF EMPLOYERS OF CUSTOMARILY AND REGULARLY TIPPED
19 EMPLOYEES FROM APPLYING A WAGE LESS THAN THE MINIMUM WAGE ONLY
20 IF ALLOWED BY STATE LAW.

21 B. ANY MINIMUM WAGE ADOPTED BY A CITY, TOWN OR COUNTY
22 SHALL BE ENFORCED SOLELY BY THE STATE AGENCY DESIGNATED BY THE
23 LEGISLATURE FOR WAGE ENFORCEMENT AND MAY NOT BE FURTHER
24 ENFORCED BY A CITY, TOWN OR COUNTY.

25 C. THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A
26 CITY, TOWN OR COUNTY TO SET WAGES OR BENEFITS FOR THE CITY'S,
27 TOWN'S OR COUNTY'S EMPLOYEES OR OTHERWISE LIMIT THE AUTHORITY
28 OF A CITY, TOWN OR COUNTY TO ENTER INTO CONTRACTS FOR PERSONAL
29 SERVICES.

30 2. The Secretary of State shall submit this proposition to the
31 voters at the next general election as provided by article XXI,
32 Constitution of Arizona.