

Lincoln Fillmore proposes the following substitute bill:

Public Sector Labor Organization Definition Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor:

LONG TITLE

General Description:

This bill modifies the state labor code.

Highlighted Provisions:

This bill:

- defines terms related to public sector labor organizations;
- includes a coordination clause to have the changes in this bill supersede Section 34-32-101 in H.B. 267, Public Sector Labor Union Amendments, if both pass and become law; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides a coordination clause.

Utah Code Sections Affected:

REPEALS AND REENACTS:

34-32-101, as last amended by Laws of Utah 2025, Chapter 10

Utah Code Sections affected by Coordination Clause:

34-32-101, as last amended by Laws of Utah 2025, Chapter 10

Be it enacted by the Legislature of the state of Utah:

The following section is affected by a coordination clause at the end of this bill.

Section 1. Section **34-32-101** is repealed and reenacted to read:

34-32-101 . Definitions.

(1)(a) "Labor organization" means a formal organization of any kind that:

- (i) is independent of the public employer; and

- 30 (ii) exists for the purpose, in whole or in part, of dealing with public employers
31 concerning grievances, labor disputes, wages, rates of pay, hours of employment,
32 or other terms and conditions of employment.
- 33 (b) Except as provided in Subsection (1)(c), "labor organization" includes:
- 34 (i) a labor union, an employee council, or a worker committee; and
35 (ii) an employee association or a union for employees of both public sector and
36 private sector employers.
- 37 (c) "Labor organization" does not include:
- 38 (i) an organization that has entered into a labor agreement or labor protective
39 agreement under the Urban Mass Transportation Act, 49 U.S.C. Sec. 5333(b); or
40 (ii) an organization that performs a public employer's internal functions, such as
41 human resources or legal services, whether performed directly by the public
42 employer or through a third-party contractor.
- 43 (2) "Member" means a public employee who is a member of a labor organization.
- 44 (3) "Political purposes" means an act done with the intent or in a way to influence or tend to
45 influence, directly or indirectly, an individual to refrain from voting or to vote for or
46 against any candidate for public office at any caucus, political convention, primary, or
47 election.
- 48 (4) "Public employee" means an individual employed by a public employer.
- 49 (5) "Public employer" means an employer that is:
- 50 (a) the state of Utah or any administrative subunit of the state;
51 (b) a state institution of higher education; or
52 (c) a county, a municipality, a special district, a special service district, a local education
53 agency as defined in Section 53E-1-102, or any other political subdivision of the state.
- 54 (6) "Public money" means the same as that term is defined in Section 76-1-101.5.
- 55 (7)(a) "Public property" means real property, personal property, or intellectual property
56 that is owned, held, or managed by a public employer.
- 57 (b) "Public property" includes a website, computer program, record, or data that is
58 owned, held, or managed by a public employer.
- 59 (8) "Representative" means a labor organization representative.
- 60 (9)(a) "Union activity" means an activity that a labor organization, a member, or a
61 representative performs that relates to:
- 62 (i) advocating the general interests of members in wages, benefits, or terms and
63 conditions of employment;

- 64 (ii) enforcing the labor organization's internal policies and procedures;
65 (iii) fulfilling the labor organization's obligations; or
66 (iv) advancing the labor organization's external relations.
- 67 (b) "Union activity" does not include:
68 (i) advocating for a public employee in a specific employment dispute; or
69 (ii) performing a public employer's internal functions, such as human resources or
70 legal services, whether performed directly by the public employer or through a
71 third-party contractor.
- 72 (10) "Union dues" means dues, fees, assessments, or other money required as a condition of
73 membership or participation in a labor organization.

74 Section 2. **Effective Date.**

75 This bill takes effect:

- 76 (1) on July 1, 2025, if Section 34A-32-101 of H.B. 267, Public Sector Labor Union
77 Amendments, goes into effect on July 1, 2025, without a stay;
78 (2) upon the lifting of the temporary stay, if there is a temporary stay on Section
79 34A-32-101 of H.B. 267 on July 1, 2025; or
80 (3) on the date provided in Subsection 20A-7-311(3) if the voters approve H.B. 267, Public
81 Sector Labor Union Amendments, through a referendum.

82 Section 3. **Coordinating S.B. 327 with H.B. 267.**

83 If S.B. 327, Public Sector Labor Organization Definition Amendments, and H.B. 267,
84 Public Sector Labor Union Amendments, both pass and become law, the Legislature intends
85 that, on the effective date of S.B. 327, the repeal and reenactment of Section 34-32-101 in S.B.
86 327 supersede the amendments to Section 34-32-101 (renumbered from Section 34-32-1) in
87 H.B. 267.