

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: Stephen L. Whyte

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**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

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*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 Section **34-32-101** is repealed and reenacted to read: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;  
66           (iv) advancing the labor organization's external relations; or  
67           (v) union organizing.
- 68       (b) "Union activity" does not include:
- 69           (i) advocating for a public employee in a specific employment dispute; or  
70           (ii) performing a public employer's internal functions, such as human resources or  
71                 legal services, whether performed directly by the public employer or through a  
72                 third-party contractor.
- 73       (10) "Union dues" means dues, fees, assessments, or other money required as a condition of  
74           membership or participation in a labor organization.
- 75       (11) "Union organizing" means communicating with a public employee in an effort to  
76           persuade the public employee to join or support a labor organization.

77           Section 2. **Effective Date.**

78       This bill takes effect:

- 79       (1) on July 1, 2025, if Section 34A-32-101 of H.B. 267, Public Sector Labor Union  
80           Amendments, goes into effect on July 1, 2025, without a stay;  
81       (2) upon the lifting of the temporary stay, if there is a temporary stay on Section  
82           34A-32-101 of H.B. 267 on July 1, 2025; or  
83       (3) on the date provided in Subsection 20A-7-311(3) if the voters approve H.B. 267, Public  
84           Sector Labor Union Amendments, through a referendum.

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

86       If S.B. 327, Public Sector Labor Organization Definition Amendments, and H.B. 267,  
87       Public Sector Labor Union Amendments, both pass and become law, the Legislature intends  
88       that, on the effective date of S.B. 327, the repeal and reenactment of Section 34-32-101 in S.B.  
89       327 supersede the amendments to Section 34-32-101 (renumbered from Section 34-32-1) in  
90       H.B. 267.