

Senate Engrossed

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 101

SENATE BILL 1257

AN ACT

AMENDING SECTION 38-231, ARIZONA REVISED STATUTES; RELATING TO THE LOYALTY OATH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 38-231, Arizona Revised Statutes, is amended to
3 read:

4 38-231. Officers and employees required to take loyalty oath;
5 form; classification; definition

6 A. In order to insure ENSURE the statewide application of this section
7 on a uniform basis, each board, commission, agency, and independent office
8 of the THIS state, and of any of its political subdivisions, and of any
9 county, city, town, municipal corporation, school district, and public
10 educational institution, shall immediately upon the effective date of this
11 act completely reproduce THIS section 38-231 as set forth herein, to the end
12 SO that the form of written oath or affirmation required herein shall contain
13 IN THIS SECTION CONTAINS all of the provisions of said THIS section for use
14 by all officers and employees of all boards, commissions, agencies and
15 independent offices.

16 ~~C. Any officer or employee elected, appointed, or employed prior to~~
17 ~~the effective date of this act shall not later than ninety days after the~~
18 ~~effective date of this act take and subscribe the form of oath or affirmation~~
19 ~~set forth in this section.~~

20 ~~D. B. Any officer or employee within the meaning of this section who~~
21 ~~fails to take and subscribe TO the oath or affirmation provided by this~~
22 ~~section within the time limits prescribed by this section shall IS not be~~
23 ~~entitled to any compensation unless and until such THE officer or employee~~
24 ~~does so take and subscribe to the form of oath or affirmation set forth in~~
25 ~~PRESCRIBED BY this section.~~

26 ~~E. C. Any officer or employee as defined in this section having taken~~
27 ~~the form of oath or affirmation prescribed by this section, and knowingly at~~
28 ~~the time of subscribing TO the oath or affirmation, or at any time thereafter~~
29 ~~during his THE OFFICER'S OR EMPLOYEE'S term of office or employment, does~~
30 ~~commit or aid in the commission of any act to overthrow by force, or violence~~
31 ~~OR TERRORISM AS DEFINED IN SECTION 13-2301 the government of this state or~~
32 ~~of any of its political subdivisions, or advocates the overthrow by force,~~
33 ~~or violence OR TERRORISM AS DEFINED IN SECTION 13-2301 of the government of~~
34 ~~this state or of any of its political subdivisions, or during such term of~~
35 ~~office or employment knowingly becomes or remains a member of the communist~~
36 ~~party of the United States or its successors or any of its subordinate~~
37 ~~organizations or any other organization having for one of its purposes the~~
38 ~~overthrow by force or violence of the government of the state of Arizona or~~
39 ~~any of its political subdivisions, and said officer or employee as defined~~
40 ~~in this section prior to becoming or remaining a member of such organization~~
41 ~~or organizations had knowledge of said unlawful purpose of said organization~~
42 ~~or organizations, shall be IS guilty of a class 4 felony and, upon ON~~
43 ~~conviction under this section, the officer or employee shall be IS deemed~~
44 ~~discharged from said THE office or employment and shall IS not be entitled~~

1 to any additional compensation or any other emoluments or benefits which may
2 have been incident or appurtenant to said THE office or employment.

3 F. D. Any of the persons referred to in article XVIII, section 10,
4 of the Arizona Constitution OF ARIZONA, as amended, related RELATING to the
5 employment of aliens, shall be ARE exempted from any compliance with the
6 provisions of this section.

7 G. E. In addition to any other form of oath or affirmation
8 specifically provided by law for an officer or employee, before any officer
9 or employee enters upon the duties of his THE office or employment, he THE
10 OFFICER OR EMPLOYEE shall take and subscribe the following oath or
11 affirmation:

12 State of Arizona, County of _____ I, _____
13 (type or print name)

14 do solemnly swear (or affirm) that I will support the Constitution of the
15 United States and the Constitution and laws of the State of Arizona, that
16 I will bear true faith and allegiance to the same, and defend them against
17 all enemies, foreign and domestic, and that I will faithfully and impartially
18 discharge the duties of the office of _____ (name of office)
19 _____ according to the best of my ability, so help me God
20 (or so I do affirm).

21 _____
22 (signature of officer or employee)

23 B. F. For the purposes of this section, the term "officer or
24 employee" means any person elected, appointed, or employed, either on a
25 part-time or full-time basis, by the THIS state, or any of its political
26 subdivisions or any county, city, town, municipal corporation, school
27 district, public educational institution, or any board, commission or agency
28 of any of the foregoing COUNTY, CITY, TOWN, MUNICIPAL CORPORATION, SCHOOL
29 DISTRICT OR PUBLIC EDUCATIONAL INSTITUTION.

APPROVED BY THE GOVERNOR APRIL 25, 2003.

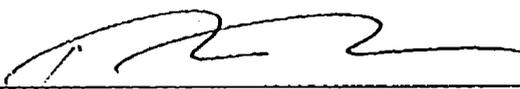
FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2003.



ON RECONSIDERATION

Passed the House April 17, 2003,

by the following vote: 33 Ayes,
24 Nays, 3 Not Voting



Spoken of the House
Pro Tempore
Herman L. Spore
Chief Clerk of the House

Passed the Senate _____, 20____

by the following vote: _____ Ayes,
_____ Nays, _____ Not Voting

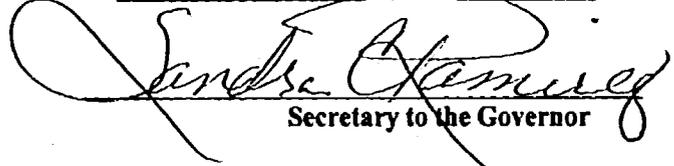
President of the Senate

Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this
21 day of April, 2003

at 12:30 o'clock P M.



Secretary to the Governor

Approved this 25 day of

April, 2003,

at 100 o'clock P M.

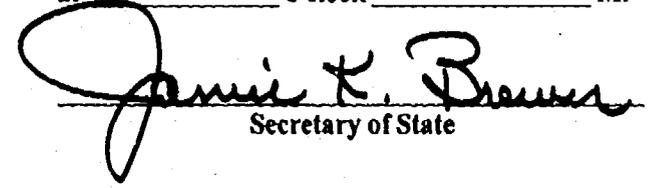


Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State
this 25 day of April, 2003,

at 4:35 o'clock P M.



Secretary of State

S.B. 1257

FAILED
Passed the House April 10, 2003

by the following vote: 20 Ayes,

39 Nays, 1 Not Voting

Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate February 26, 2003

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Ken Blumenthal
President of the Senate

Champion Bellinger
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1257

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State