

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Collective Bargaining Freedom Act.

6 Section 5. Purpose. It is the policy of the State of
7 Illinois that employers, employees, and their labor
8 organizations are free to negotiate collectively. It is also
9 the policy of the State of Illinois that employers, employees,
10 and their labor organizations may freely negotiate union
11 security agreements including, but not limited to, those
12 requiring membership in a labor organization as permitted under
13 29 U.S.C. 158(a)(3). It is further the policy of the State of
14 Illinois that no local government or political subdivision may
15 create or enforce any local law, ordinance, regulation, rule,
16 or the like that by design or application prohibits, restricts,
17 tends to restrict, or regulates the use of union security
18 agreements between a labor organization and an employer as
19 permitted under 29 U.S.C. 158(a)(3).

20 Section 10. Definitions. In this Act:

21 "Employer" includes any person acting as an agent of an
22 employer, directly or indirectly, but shall not include the

1 United States or any wholly owned government corporation, or
2 any Federal Reserve Bank, or any State or political subdivision
3 thereof, or any person subject to the Railway Labor Act, 45
4 U.S.C. 151 et seq., as amended from time to time, or any labor
5 organization (other than when acting as an employer), or anyone
6 acting in the capacity of officer or agent of such labor
7 organization.

8 "Interested party" means a person with an interest in
9 compliance with this Act.

10 "Labor organization" means any organization of any kind, or
11 any agency or employee representation committee or plan, in
12 which employees participate and which exists for the purpose,
13 in whole or in part, of dealing with employers concerning
14 grievances, labor disputes, wages, rates of pay, hours of
15 employment, or conditions of work.

16 "Local government" and "political subdivision" include,
17 but are not limited to, any county, city, town, township,
18 village, municipality or subdivision thereof, airport
19 authority, cemetery district, State college or university,
20 community college, conservation district, drainage district,
21 electric agency, exposition and auditorium authority, fire
22 protection district, flood prevention district, forest
23 preserve district, home equity program, hospital district,
24 housing authority, joint action water agency, mass transit
25 district, mosquito abatement district, multi-township
26 assessment district, museum district, natural gas agency, park

1 district, planning agency, port district, public building
2 commission, public health district, public library district,
3 public water district, rescue squad district, river
4 conservancy district, road and bridge district, road district,
5 sanitary district, school district, soil and water
6 conservation district, solid waste agency, special recreation
7 association, street lighting district, surface water district,
8 transportation authority, water authority, water commission,
9 water reclamation district, water service district, and any
10 other district, agency, or political subdivision authorized to
11 legislate or enact laws affecting their respective
12 jurisdiction, notwithstanding such local government or
13 political subdivision's authority to exercise any power and
14 perform any function pertaining to its government and affairs
15 granted to it by the Illinois Constitution, a law, or
16 otherwise.

17 Section 15. Authority to enact legislation affecting union
18 security agreements.

19 (a) The authority to enact any legislation, law, ordinance,
20 rule, regulation, or the like that by design or application
21 prohibits, restricts, tends to restrict, or regulates in any
22 manner the use of union security agreements between an employer
23 and labor organization as authorized under 29 U.S.C. 158(a)(3)
24 shall vest exclusively with the General Assembly.

25 (b) No local government or political subdivision is

1 permitted to enact or enforce any local law, ordinance, rule,
2 regulation, or the like that by design or application
3 prohibits, restricts, tends to restrict, or regulates the use
4 of union security agreements between an employer and labor
5 organization as authorized under 29 U.S.C. 158(a) (3).

6 (c) Nothing in this Act shall be construed as prohibiting
7 the General Assembly from enacting legislation barring the
8 execution or application of union security agreements as
9 authorized under 29 U.S.C. 164(b).

10 Section 20. Private right of action. Any interested party
11 aggrieved by a violation of this Act or any rule adopted under
12 this Act by any local government or political subdivision as
13 described in this Act may file suit in circuit court, in the
14 county where the alleged violation occurred or where any person
15 who is party to the action resides. Actions may be brought by
16 one or more persons for and on behalf of themselves and other
17 persons similarly situated.

18 Section 25. Violation and liability. Any officer,
19 representative, director, elected official, or the like of any
20 local government or political subdivision, or agent thereof who
21 knowingly or willfully violates this Act, or who knowingly or
22 willfully fails to comply with this Act, is guilty of a Class A
23 misdemeanor. Any legislation, rule, law, ordinance, or
24 otherwise that restricts or prohibits in any manner the use of

1 union security agreements between an employer and labor
2 organization as authorized under 29 U.S.C. 158(a)(3) is a
3 violation of this Act and shall be void.

4 Section 30. Savings clause. If any Section, sentence,
5 clause, or part of this Act is for any reason held to be
6 unconstitutional, such decision shall not affect the remaining
7 portions of this Act. The General Assembly hereby declares that
8 it would have passed this Act, and each Section, sentence,
9 clause, or part thereof, irrespective of the fact that one or
10 more Sections, sentences, clauses, or parts might be declared
11 unconstitutional.