

AN ACT concerning government.

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

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

Section 5. Policy. It is the policy of the State of Illinois that employers, employees, and their labor organizations are free to negotiate collectively. It is also the policy of the State of Illinois that employers, employees, and their labor organizations may freely negotiate union security agreements, including, but not limited to, those requiring dues to be paid to a labor organization as permitted under 29 U.S.C. 158(a)(3). It is further the policy of the State of Illinois that no local government or political subdivision may create or enforce any local law, ordinance, regulation, rule, or the like that by design or application prohibits, restricts, tends to restrict, or regulates the use of union security agreements between a labor organization and an employer as permitted under 29 U.S.C. 158(a)(3).

Section 10. Definitions. In this Act:

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

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

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

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

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

district, planning agency, port district, public building commission, public health district, public library district, public water district, rescue squad district, river conservancy district, road and bridge district, road district, sanitary district, school district, soil and water conservation district, solid waste agency, special recreation association, street lighting district, surface water district, transportation authority, water authority, water commission, water reclamation district, water service district, municipal corporation, and any other district, agency, or political subdivision authorized to legislate or enact laws affecting its respective jurisdiction, notwithstanding such local government or political subdivision's authority to exercise any power and perform any function pertaining to its government and affairs granted to it by the Illinois Constitution, a law, or otherwise.

Section 15. Private sector union security agreements. Employers and labor organizations covered by the National Labor Relations Act may, anywhere within the entire State of Illinois, execute and apply agreements requiring membership in a labor organization as a condition of employment to the full extent authorized by the National Labor Relations Act.

Section 20. Authority to enact legislation affecting union security agreements.

(a) The authority to enact any legislation, law, ordinance, rule, regulation, or the like that by design or application prohibits, restricts, tends to restrict, or regulates in any manner the use of union security agreements between an employer and labor organization as authorized under 29 U.S.C. 164(b) vests exclusively with the General Assembly.

(b) No local government or political subdivision is permitted to enact or enforce any local law, ordinance, rule, regulation, or the like that by design or application prohibits, restricts, tends to restrict, or regulates the use of union security agreements between an employer and labor organization as authorized under 29 U.S.C. 158(a) (3).

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

(d) This Act is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

Section 25. Private right of action. Any interested party aggrieved by a violation of this Act or any rule adopted under this Act by any local government or political subdivision as described in this Act may file suit in circuit court, in the county where the alleged violation occurred or where any person who is a party to the action resides. Actions may be brought by

one or more persons for and on behalf of themselves and other persons similarly situated.

Section 30. Ordinances; laws; rules void. Any legislation, rule, law, ordinance, or otherwise that restricts or prohibits in any manner the use of union security agreements between an employer and labor organization as authorized under 29 U.S.C. 158(a)(3) is a violation of this Act and void.

Section 35. Severability. If any Section, sentence, clause, or part of this Act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this Act. The General Assembly hereby declares that it would have passed this Act, and each Section, sentence, clause, or part thereof, irrespective of the fact that one or more Sections, sentences, clauses, or parts might be declared unconstitutional.

Section 99. Effective date. This Act takes effect upon becoming law.