# SENATE BILL NO. 712

## 102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

2718S.02I KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 290.528, RSMo, and to enact in lieu thereof one new section relating to the preemption of local ordinances involving employment law.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A.  Section 290.528, RSMo, is repealed and one new
2   section enacted in lieu thereof, to be known as section 290.600,
3   to read as follows:

**[**290.528.**] 290.600.**  1.  As used in this section, the
2   following terms shall mean:
3       (1)  "Employee", an individual employed in this state
4   by an employer;
5       (2)  "Employer", any individual, sole proprietorship,
6   partnership, limited liability company, corporation, or any
7   other entity that is legally doing business in this state;
8   except that, the term "employer" shall not include any
9   public employer, as defined in section 285.525;
10      (3)  "Employment benefits", anything of value that an
11  employee may receive from an employer in addition to wages
12  and salary.  The term includes, but is not limited to,
13  health, disability, retirement, profit-sharing, and death
14  benefits; group accidental death and dismemberment benefits;
15  paid or unpaid days off from work for holidays, sick leave,
16  vacation, and personal necessity; and terms of employment,
17  attendance, or leave policies;

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18          (4)   "Political subdivision", any municipality, special

19     district, local governmental body, county, city, town, or

20     village.

21          2.   Notwithstanding any other provisions of law to the

22     contrary, no political subdivision shall establish, mandate,

23     or **[**otherwise require**] enforce a policy, ordinance, or**

24     **resolution adopted by the political subdivision that:**

25          **(1)   Requires** an employer to provide to an employee:

26          **[**(1)**] (a)**   A minimum or living wage rate; or

27          **[**(2)**] (b)**   Employment benefits;

28     that exceed state laws, rules, or regulations.  Sections

29     290.500 to 290.530 shall preempt and nullify all political

30     subdivision ordinances, rules, and regulations currently in

31     effect or later enacted relating to the establishment or

32     enforcement of a minimum or living wage or the provision of

33     employment benefits that exceed state laws, rules, or

34     regulations;

35          **(2)   Regulates the information an employer or potential**

36     **employer shall request, require, or exclude on an**

37     **application for employment from an employee or prospective**

38     **employee, provided that a policy, ordinance, or resolution**

39     **adopted by the political subdivision may require a criminal**

40     **background check for an employee or prospective employee in**

41     **connection with the receipt of a license or permit from the**

42     **political subdivision;**

43          **(3)   Regulates work stoppage or strike activity of**

44     **employers and its employees or the means by which employees**

45     **may organize;**

46          **(4)   Requires an employer to provide to an employee**

47     **paid or unpaid leave time;**

48          **(5)   Regulates the hours and scheduling that an**
49   **employer is required to provide to employees, provided that**
50   **a policy, ordinance, or resolution adopted by the political**
51   **subdivision may limit the hours during which a business may**
52   **operate;**
53          **(6)   Requires an employer or its employees to**
54   **participate in any educational apprenticeship or**
55   **apprenticeship training program that is not required by**
56   **state or federal law;**
57          **(7)   Regulates or creates administrative or judicial**
58   **remedies for wage, hour, or benefit disputes, including, but**
59   **not limited to, any benefits described in this subsection.**
60          **3.   Nothing in this section shall prohibit a political**
61   **subdivision from enacting a policy, ordinance, or resolution**
62   **adopted by the political subdivision regulating employment**
63   **discrimination pursuant to chapter 213.**
64          **4.   No political subdivision shall through its**
65   **purchasing or contracting procedures seek to control or**
66   **affect the wages or employment benefits provided by its**
67   **vendors, contractors, service providers, or other parties**
68   **doing business with the political subdivision.  A political**
69   **subdivision shall not through the use of evaluation factors,**
70   **qualification of bidders, or otherwise award preferences on**
71   **the basis of wages or employment benefits provided by its**
72   **vendors, contractors, service providers, or other parties**
73   **doing business with the political subdivision.**

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