It’s been more than a year since Missouri legislators passed House Bill (HB) 1413 into law, which at the time was arguably the most comprehensive government labor reform package passed in the United States in the last decade. Along with paycheck protection, HB 1413 included key transparency and certification reforms, any of which would have been momentous changes if passed separately.

Unfortunately, the legislation was held up almost from the beginning. On August 27, 2018, a cavalcade of labor interests, including the Missouri chapter of the National Education Association, filed suit against to state to block the implementation of the law, and on March 8, 2019, its motion for a preliminary injunction against the law was granted. This meant that even though the law had already been subject to enforcement for about six months, HB 1413’s reforms are no longer in effect, pending litigation. Currently, the court is considering an order of summary judgment in favor of the plaintiffs, meaning that the judge could soon conclude that the facts and law weigh so heavily in their favor that a full trial would be unnecessary. Your guess is as good as mine on how the judge will rule on that motion.

To be plain, it’s terribly disappointing that HB 1413’s reforms were blocked at all by the courts.
As Show-Me Institute researchers have noted in the past, court rulings have made substantive reforms in this area nearly impossible. In the last 20 years, Missouri courts have established new constitutional rights for organized labor from old constitutional language, upending decades of precedent in favor of state judicial activism. That HB 1413’s credible reforms have been tied up in this legal environment at the lower court level is unfortunate for Missouri taxpayers and government employees alike.

Perhaps more disappointing, however, is the stasis that the litigation has imposed on legislative action in these areas, suffocating opportunities to tweak legislative language or otherwise accommodate the courts in effectuating the will of the people. Keep in mind that this was a law passed to protect taxpayers and workers alike by updating the state’s government labor framework. That litigation surrounding this case could continue for years, and will come at the cost of workers’ rights and taxpayers’ pocketbooks.

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