

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 1**

FINAL READING

Introduced by Executive Board: Engel, 17, Chairperson

Read first time January 4, 2007

Committee: Placed On General File

A BILL

1 FOR AN ACT relating to picketing; to amend sections 28-1317  
2 and 28-1318, Reissue Revised Statutes of Nebraska; to  
3 remove language held unconstitutional in United Food and  
4 Commercial Workers International Union, AFL-CIO, CLC v.  
5 IBP, Inc., 857 F.2d 422; and to repeal the original  
6 sections.

7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 28-1317, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           28-1317 (1) A person commits the offense of unlawful  
4 picketing if, either singly or by conspiring with others, he or she  
5 interferes, or attempts to interfere, with any other person in the  
6 exercise of his or her lawful right to work, or right to enter upon  
7 or pursue any lawful employment he or she may desire, in any lawful  
8 occupation, self-employment, or business carried on in this state,  
9 by:

10           (a) Using threatening language toward such person or any  
11 member of his or her immediate family, or in his, her, or their  
12 presence or hearing, for the purpose of inducing or influencing,  
13 or attempting to induce or influence, such person to quit his or  
14 her employment, or to refrain from seeking or freely entering into  
15 employment; or ~~or by persisting in talking to or communicating~~  
16 ~~in any manner with such person or members of his or her immediate~~  
17 ~~family against his, her or their will, for such purpose; or~~

18           (b) Following or intercepting such person from or to his  
19 or her work, from or to his or her home or lodging, or about the  
20 city, against the will of such person, for such purpose; or

21           (c) Menacing, threatening, coercing, intimidating, or  
22 frightening in any manner such person for such purpose; or

23           (d) Committing an assault upon such person for such  
24 purpose; or

25           (e) Picketing or patrolling the place of residence of

1 such person, or any street, alley, road, highway, or any other  
2 place, where such person may be, or in the vicinity thereof, for  
3 such purpose, against the will of such person.

4 (2) Unlawful picketing is a Class III misdemeanor. Each  
5 violation shall constitute a separate offense.

6 Sec. 2. Section 28-1318, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 28-1318 (1) Mass picketing shall mean any form of  
9 picketing in which there are more than two pickets at any one  
10 time within either fifty feet of any entrance to the premises being  
11 picketed or within fifty feet of any other picket or pickets, or in  
12 which pickets constitute an obstacle to the free ingress and egress  
13 to and from the premises being picketed or any other premises, or  
14 upon the public roads, streets, or highways, either by obstructing  
15 by their persons or by the placing of vehicles or other physical  
16 obstructions.

17 (2) A person commits the offense of mass picketing if  
18 singly or in concert with others, he or she engages in or aids  
19 and abets any form of picketing activity that ~~shall constitute~~  
20 constitutes mass picketing as defined in subsection (1) of this  
21 section.

22 (3) Mass picketing is a Class III misdemeanor. Each  
23 violation shall constitute a separate offense.

24 (4) Any person who shall legally picket by any means or  
25 methods other than those forbidden in this section or in section

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1 28-1317 shall visibly display on his or her person a sign showing  
2 the name of the protesting organization he or she represents. The  
3 composition of the sign shall be uppercase lettering of not less  
4 than two and one-half inches in height.

5           Sec. 3. Original sections 28-1317 and 28-1318, Reissue  
6 Revised Statutes of Nebraska, are repealed.