

LEGISLATIVE BILL 1

Approved by the Governor January 31, 2007

Introduced by Executive Board: Engel, 17, Chairperson

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

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

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

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

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

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

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

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

(e) Picketing or patrolling the place of residence of such person, or any street, alley, road, highway, or any other place, where such person may be, or in the vicinity thereof, for such purpose, against the will of such person.

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

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

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

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

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

(4) Any person who shall legally picket by any means or methods other than those forbidden in this section or in section 28-1317 shall visibly display on his or her person a sign showing the name of the protesting organization he or she represents. The composition of the sign shall be uppercase lettering of not less than two and one-half inches in height.

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